

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Diana Nadeau, individually and on behalf )  
of the next-of-kin of John Nadeau, )  
 )  
Plaintiff, )

**ORDER**

vs. )

Case No. 1-17-cv-74

David Shipman, in his individual and )  
official capacities as Morton County Sheriff;) )  
Deborah Addy, in her individual capacity; )  
Boyd Addy, in his individual capacity; Tina )  
George, in her individual capacity; John )  
Does 1-2, in their individual capacities as )  
Morton County correctional officers; John )  
Does 3-4, in their individual capacities as )  
Morton County Correctional Center medical )  
Staff, and Morton County, )  
 )  
Defendants. )

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Before the court is a Motion to Strike Certain Affirmative Defenses filed by Plaintiff Diana Nadeau. (Doc. No. 15). Also before the court is a Motion for Leave to File Amended Answer and Jury Demand by Morton County and David Shipman. (Doc. No. 36). As the court understands it, Morton County and Shipman’s proposed amended answer eliminates the affirmative defenses to which Nadeau initially took exception and Nadeau does not object to this amending. (Doc. No. 38). Accordingly, the court **GRANTS** Morton County and Shipman’s Motion for Leave to File Amended Answer and Jury Demand. (Doc. No. 36). Such amended answer shall be filed by January 16, 2018. With that amending, the court **FINDS AS MOOT** Nadeau’s Motion to Strike. (Doc. No. 15).

**IT IS SO ORDERED.**

Dated this 8th day of January, 2018.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court