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2 Hon. Michelle L. Peterson  
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5 **UNITED STATES DISTRICT COURT**  
6 **WESTERN DISTRICT OF WASHINGTON**  
7 **AT SEATTLE**

8 JAMES and SHAYLEE MEDICRAFT,  
9 husband and wife and the marital  
10 community thereof, themselves and on  
11 behalf of their minor children: J.M.,  
12 A.M., E.M., M.M. and N.M.,

13 Plaintiffs,

14 v.

15 THE STATE OF WASHINGTON; *et al.*,

16 Defendants.

17 NO. C21-1263-JCC-MLP

18 **STIPULATION AND ORDER  
19 FOR DEFENDANTS STATE OF  
20 WASHINGTON ET AL TO FILE  
21 SECOND AMENDED ANSWER  
22 TO PLAINTIFF'S SECOND  
23 AMENDED COMPLAINT**

24 The Plaintiffs and the Defendants: the State of Washington, Department of Children Youth  
25 and Families (DCYF); Tanessa Sanchez and John Doe Sanchez, husband and wife and the marital  
26 community thereof; Tabitha Culp and John Doe Culp, husband and wife and the marital  
27 community thereof; Elizabeth Sterbick And John Doe Sterbick, husband and wife and the marital  
28 community thereof; Tabitha Pomeroy and John Doe Pomeroy, husband and wife and the marital  
29 community thereof; Ross Hunter and Jane Doe Hunter, husband and wife and the marital  
30 community thereof; Bonnie White and John Doe White, husband and wife and the marital  
31 community thereof; ("Defendants") through their respective counsel of record, hereby agree and  
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34 DEFENDANTS STATE OF WASHINGTON  
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40 ATTORNEY GENERAL OF  
41 WASHINGTON  
42 Torts Division  
43 7141 Cleanwater Drive SW  
44 PO Box 40126  
45 Olympia, WA 98504-0126  
46 (360) 586-6300

1 stipulate that these Defendants are granted leave to amend Defendants' First Amended Answer to  
2 Plaintiffs' Second Amended Complaint for Damages and Affirmative Defenses. The parties have  
3 meet and conferred regarding the affirmative defenses in Defendant's First Amended Answer and  
4 are in agreement that leave to amend Defendant's First Amended Answer to Plaintiffs' Second  
5 Amended Complaint for Damages and Affirmative Defenses should be granted. In accordance  
6 with LCR 15, attached as Exhibit A is Defendants' proposed Second Amended Answer to  
7 Plaintiffs' Second Amended Complaint for Damages and Affirmative Defenses. Should the Court  
8 grant leave for the Defendants to file the amended pleading attached as Exhibit A.

9 Plaintiffs reserve all rights, including the right to move to strike pursuant to FRCP 12(f)  
10 after review of the amended pleadings contemplated herein.

11 The parties, as evidenced by the electronic signatures below, are in agreement to this  
12 leave to amend Defendants' First Amended Answer to Plaintiffs' Second Amended Complaint for  
13 Damages and Affirmative Defenses.

14 DATED this 6th day of May, 2022.

16 ROBERT W. FERGUSON  
17 Attorney General

18 /s/ Peter Kay  
19 PETER KAY,  
20 Attorney for Defendant  
21 WSBA No. 31246  
22 Assistant Attorney General  
23 Office of the Attorney General – Torts  
Division  
7141 Cleanwater Dr. SW  
Tumwater, WA 98504  
STIPULATION AND ORDER FOR  
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16 ROBERT W. FERGUSON  
17 Attorney General

18 /s/Madison  
19 Burke  
20 MADISON BURKE,  
21 Attorney for Defendant  
22 WSBA No. 51250  
23 Assistant Attorney General  
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6 ARNOLD & JACOBOWITZ PLLC  
7

8 */s/Nathan J. Arnold*  
9 Nathan J. Arnold, WSBA #45356  
10 Attorneys for Plaintiffs  
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12 Seattle, WA 98121-1126  
13 Telephone: (206) 866-3230  
14 [nathan@cajlawyers.com](mailto:nathan@cajlawyers.com)

15 **ORDER**

16 The parties having so stipulated for leave to amend under FRCP 15 and LCR 15, and the  
17 Court finding good cause for entry hereof, now therefore, it is hereby:

18 ORDERED that leave is granted for the Defendants to amend Defendants' First Amended  
19 Answer to Plaintiffs' Second Amended Complaint for Damages and Affirmative Defenses and to  
20 file Defendants' proposed Second Amended Answer to Plaintiffs' Second Amended Complaint  
21 for Damages and Affirmative Defense with the Court. Plaintiffs reserve all rights, including the  
22 right to move to strike pursuant to FRCP 12(f) after review of the filed amended pleading.

23 Dated this 9th day of May, 2022.

  
19 MICHELLE L. PETERSON  
20 United States Magistrate Judge

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22 STIPULATION AND ORDER FOR  
23 DEFENDANTS STATE OF WASHINGTON  
ET AL TO FILE SECOND AMENDED  
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