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THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

THOMAS McCARTHY, PHAN NGUYEN,
ELIZABETH RIVERA GOLDSTEIN,

Plaintiffs,

v.

JAMES BARRETT, individually and in his
capacity as a SERGEANT of the TACOMA
POLICE DEPARTMENT; PAUL
JAGODINSKI, individually and in his Official
Capacity as a SERGEANT of the TACOMA
POLICE DEPARTMENT; ALAN ROBERTS,
individually and in his Official Capacity as a
LIEUTENANT of the TACOMA POLICE
DEPARTMENT; CITY OF TACOMA (TPD);
TODD KITSELMAN, individually and in his
Official Capacity as a SERGEANT of the
TACOMA POLICE DEPARTMENT; KEVIN
LORBERAU, individually and in his Official
Capacity as an OFFICER of the TACOMA
POLICE DEPARTMENT; KARL HOCH,
individually and in his Official Capacity as an
OFFICER of the TACOMA POLICE
DEPARTMENT; HANNAH HEILMAN,
individually and in her Official Capacity as an
OFFICER of the TACOMA POLICE
DEPARTMENT; PPO H. BETTS, individually
and in his Official Capacity as a PPO of the
TACOMA POLICE DEPARTMENT; PPO W.
GRANLUND, individually and in his Official
Capacity as a PPO of the TACOMA POLICE
DEPARTMENT; PPO I. NORLING,
individually and in his Official Capacity as a

) NO. C09 5120
)
) STIPULATION AND [~~PROPOSED~~]
) ORDER FOR AMENDED COMPLAINT

1 PPO of the TACOMA POLICE)
 DEPARTMENT; ALAN MORRIS,)
 2 individually and in his Official Capacity as a)
 SERGEANT of the TACOMA POLICE)
 3 DEPARTMENT; B. PARIS, individually and)
 in his Official Capacity as a SERGEANT of)
 4 the TACOMA POLICE DEPARTMENT;)
 DONALD NELSON, individually and in his)
 5 Official Capacity as an OFFICER of the)
 TACOMA POLICE DEPARTMENT;)
 6 THOMAS STRICKLAND, individually and in)
 his Official Capacity as a CAPTAIN of the)
 7 TACOMA POLICE DEPARTMENT; MARK)
 8 LANGFORD, individually and in his Official)
 Capacity as a CAPTAIN of the TACOMA)
 9 POLICE DEPARTMENT; MICHAEL)
 10 MILLER, individually and in his Official)
 Capacity as a CAPTAIN of the TACOMA)
 11 POLICE DEPARTMENT; ROBERT)
 SHEEHAN, individually and in his Official)
 12 Capacity as an ASSISTANT CHIEF of the)
 TACOMA POLICE DEPARTMENT;)
 13 DONALD RAMSDELL, individually and in)
 his Official Capacity as the CHIEF of the)
 14 TACOMA POLICE DEPARTMENT; DOES)
 15 1-250,)
)
 16 **Defendants.**)

17 The parties hereby stipulate that Plaintiffs may file an Amended Complaint in the form
 18 attached.

19 The parties agree and stipulate that the Defendants are preserving any and all defenses to
 20 claims asserted in the Amended Complaint, including applicable statutes of limitation and
 21 non-compliance with RCW 4.96 (either because some Plaintiffs did not file claims or did not
 22 wait 60 days before commencing litigation). Defendants reserve their right to assert that
 23 allowance of the amended pleading does not relate back for any of the claims by new Plaintiffs
 24 Coakley, Edelbacher and Bevis. The Defendants also preserve the argument that the federal
 25
 26

1 declaratory judgment statute does not extend to declarations of the scope, meaning and
2 application of the Washington State Constitution.

3 DATED this 21st day of September, 2009.

4 DORSEY & WHITNEY LLP

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6
7 By: /s/ Evan L. Schwab

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Attorneys for Plaintiffs

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Attorney for Defendant City of Tacoma

ORDER

By virtue of the Stipulations made by the parties herein, it is hereby ordered that Plaintiffs are granted leave to file the Amended Complaint in the form attached as Exhibit A to ^{the} ~~this~~ Stipulation (Det. # 17) ^{RBL}

BY THE COURT:



Ronald B. Leighton
United States District Court Judge

9-22-09