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7 COUNTY OF SHASTA; SHASTA COUNTY
SHERIFF'S DEPARTMENT; LIEUTENANT JERRY
8 FERNANDEZ; DETECTIVE JACOB DUNCAN; and
DETECTIVE JEREMY ASHBEE
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION
13

14 E.L., a minor, by and through her general
guardian, JESSICA LONG; JESSICA LONG,
15 an individual,

16 Plaintiffs,

17 v.

18 LIEUTENANT JERRY FERNANDEZ, in his
individual capacity; DETECTIVE JACOB
19 DUNCAN, in his individual; DETECTIVE
JEREMY ASHBEE, in his individual capacity;
20 SHASTA DISTRICT FAIR AND EVENT
CENTER, a district agricultural association;
21 COUNTY OF SHASTA; SHASTA COUNTY
SHERIFF'S DEPARTMENT; MELANIE
22 SILVA, in her individual capacity; BJ
MACFARLANE, in his individual capacity;
23 and DOES 1 through 10,

24 Defendants.
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Case No. 2:22-cv-01527-DAD-AC

**DEFENDANTS COUNTY OF SHASTA,
SHASTA COUNTY SHERIFF'S
DEPARTMENT, LIEUTENANT
JERRY FERNANDEZ, DETECTIVE
JACOB DUNCAN, AND DETECTIVE
JEREMY ASHBEE'S ANSWER TO
PLAINTIFFS' FIRST AMENDED
COMPLAINT**

Action Filed: August 31, 2022

2:22-CV-01527-DAD-AC
DEFENDANTS COUNTY OF SHASTA,
SHASTA COUNTY SHERIFF'S
DEPARTMENT, LIEUTENANT JERRY
FERNANDEZ, DETECTIVE JACOB
DUNCAN, AND DETECTIVE JEREMY
ASHBEE'S ANSWER TO PLAINTIFFS'
FIRST AMENDED COMPLAINT

1 Defendants, COUNTY OF SHASTA, SHASTA COUNTY SHERIFF'S DEPARTMENT,
2 LIEUTENANT JERRY FERNANDEZ, DETECTIVE JACOB DUNCAN, and DETECTIVE
3 JEREMY ASHBEE (collectively the "Defendants") hereby answer the First Amended Complaint
4 for Damages ("FAC") filed by Plaintiffs E.L., a minor, by and through her general guardian,
5 JESSICA LONG, and JESSICA LONG, an individual (collectively the "Plaintiffs"). Defendants'
6 answer the FAC as follows:

7 **NATURE OF THE ACTION**

8 1. In answering Paragraph 1 of the FAC, Defendants admit that on July 8, 2022, two
9 sheriff's deputies retrieved a goat named Cedar. Defendants assert that the other allegations in
10 Paragraph 1 contain Plaintiff's legal theories and/or legal conclusion to which no response is
11 required. To the extent a response is required, Defendants deny each and every allegation in
12 Paragraph 1 of the FAC.

13 2. In answering Paragraph 2 of the FAC, Defendants assert that the allegations
14 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
15 extent a response is required, Defendants deny each and every allegation in Paragraph 2 of the
16 FAC.

17 **JURISDICTION AND VENUE**

18 3. In answering Paragraph 3 of the FAC, Defendants admit jurisdiction is proper.

19 4. In answering Paragraph 4 of the FAC, Defendants admit venue is proper.

20 **THE PARTIES**

21 5. In answering Paragraph 5 of the FAC, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
23 on that basis, deny each and every allegation in Paragraph 5 of the FAC.

24 6. In answering Paragraph 6 of the FAC, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
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27 2:22-CV-01527-DAD-AC
28 DEFENDANTS COUNTY OF SHASTA,
SHASTA COUNTY SHERIFF'S
DEPARTMENT, LIEUTENANT JERRY
FERNANDEZ, DETECTIVE JACOB
DUNCAN, AND DETECTIVE JEREMY
ASHBEE'S ANSWER TO PLAINTIFFS'
FIRST AMENDED COMPLAINT

1 on that basis, deny each and every allegation in Paragraph 6 of the FAC.

2 7. In answering Paragraph 7 of the FAC, Defendants admit Lieutenant Jerry
3 Fernandez is a lieutenant in the Shasta County Sheriff's Department. Except as admitted,
4 Defendants deny each and every other allegation in Paragraph 7 of the FAC.

5 8. In answering Paragraph 8 of the FAC, Defendants admit Defendant Detective
6 Jacob Duncan is a detective in the Shasta County Sheriff's Department. Except as admitted,
7 Defendants deny each and every other allegation in Paragraph 8 of the FAC.

8 9. In answering Paragraph 9 of the FAC, Defendants admit Defendant Detective
9 Jeremy Ashbee is a detective in the Shasta County Sheriff's Department. Except as admitted,
10 Defendants deny each and every other allegation in Paragraph 9 of the FAC.

11 10. In answering Paragraph 10 of the FAC, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
13 on that basis, deny each and every allegation in Paragraph 10 of the FAC.

14 11. In answering Paragraph 11 of the FAC, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
16 on that basis, deny each and every allegation in Paragraph 11 of the FAC.

17 12. In answering Paragraph 12 of the FAC, Defendants are without sufficient
18 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
19 on that basis, deny each and every allegation in Paragraph 12 of the FAC.

20 13. In answering Paragraph 13 of the FAC, Defendants admit that the County of
21 Shasta is a public entity. The Shasta County Sheriff's Department is responsible for the actions,
22 policies, procedures, practices, and customs of that department and its agents and employees.

23 14. In answering Paragraph 14 of the FAC, Defendants admit that the Shasta County
24 Sheriff's Department is a department of Shasta County, is not a separate entity, and is therefore
25 not a proper party. *Melendres v. Arpaio*, 2015 WL 1654550, at *3 (9th Cir. Apr. 14, 2015)

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1 [Ordering Maricopa County be substituted as a party in lieu of the Maricopa County Sheriff's
2 Office]. Defendants assert that Plaintiffs other allegations contain Plaintiff's legal theories and/or
3 legal conclusion to which no response is required. To the extent a response is required,
4 Defendants deny each and every other allegation in Paragraph 14 of the FAC.

5 15. In answering Paragraph 15 of the FAC, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
7 on that basis, deny each and every allegation in Paragraph 15 of the FAC.

8 16. In answering Paragraph 16 of the FAC, Defendants assert that the allegations
9 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
10 extent a response is required, Defendants deny each and every allegation in Paragraph 16 of the
11 FAC.

12 17. In answering Paragraph 17 of the FAC, Defendants assert that the allegations
13 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
14 extent a response is required, Defendants deny each and every allegation in Paragraph 17 of the
15 FAC.

16 18. In answering Paragraph 18 of the FAC, Defendants assert that the allegations
17 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
18 extent a response is required, Defendants deny each and every allegation in Paragraph 18 of the
19 FAC.

20 **FACTUAL ALLEGATIONS**

21 19. In answering Paragraph 19 of the FAC, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
23 on that basis, deny each and every allegation in Paragraph 19 of the FAC.

24 20. In answering Paragraph 20 of the FAC, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
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1 on that basis, deny each and every allegation in Paragraph 20 of the FAC.

2 21. In answering Paragraph 21 of the FAC, Defendants admit that that the annual
3 Shasta District Fair for 2022 took place on June 22, 2022 to June 25, 2022. Defendants assert that
4 the remaining allegations in Paragraph 21 contain Plaintiff's legal theories and/or legal
5 conclusion to which no response is required. To the extent a response is required, Defendants
6 deny each and every remaining allegation in Paragraph 21 of the FAC.

7 22. In answering Paragraph 22 of the FAC, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
9 on that basis, deny each and every allegation in Paragraph 22 of the FAC.

10 23. In answering Paragraph 23 of the FAC, Defendants assert that the allegations
11 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
12 extent a response is required, Defendants deny each and every allegation in Paragraph 23 of the
13 FAC.

14 24. In answering Paragraph 24 of the FAC, Defendants assert that the allegations
15 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
16 extent a response is required, Defendants deny each and every allegation in Paragraph 24 of the
17 FAC.

18 25. Paragraph 25 of the FAC, Defendants are without sufficient knowledge or
19 information to form a belief as to the truth of the allegations contained therein, and, on that basis,
20 deny each and every allegation in Paragraph 25 of the FAC.

21 26. In answering Paragraph 26 of the FAC, Defendants assert that the allegations
22 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
23 extent a response is required, Defendants deny each and every allegation in Paragraph 26 of the
24 FAC.

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1 27. In answering Paragraph 27 of the FAC, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
3 on that basis, deny each and every allegation in Paragraph 27 of the FAC.

4 28. In answering Paragraph 28 of the FAC, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
6 on that basis, deny each and every allegation in Paragraph 28 of the FAC.

7 29. In answering Paragraph 29 of the FAC, Defendants assert that the allegations
8 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
9 extent a response is required, Defendants deny each and every allegation in Paragraph 29 of the
10 FAC.

11 30. In answering Paragraph 30 of the FAC, Defendants admit that Plaintiff Long
12 removed Cedar from the Shasta District Fair. Defendants assert that as to the remaining
13 allegations in Paragraph 30, Defendants are without sufficient knowledge or information to form
14 a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every
15 allegation in Paragraph 30 of the FAC.

16 31. In answering Paragraph 31 of the FAC, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
18 on that basis, deny each and every allegation in Paragraph 31 of the FAC.

19 32. In answering Paragraph 32 of the FAC, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
21 on that basis, deny each and every allegation in Paragraph 32 of the FAC.

22 33. In answering Paragraph 33 of the FAC, Defendants assert that the allegations
23 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
24 extent a response is required, Defendants deny each and every allegation in Paragraph 33 of the
25 FAC.

1 34. In answering Paragraph 34 of the FAC, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
3 on that basis, deny each and every allegation in Paragraph 34 of the FAC.

4 35. In answering Paragraph 35 of the FAC, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
6 on that basis, deny each and every allegation in Paragraph 35 of the FAC.

7 36. In answering Paragraph 36 of the FAC, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
9 on that basis, deny each and every allegation in Paragraph 36 of the FAC.

10 37. In answering Paragraph 37 of the FAC, Defendants are without sufficient
11 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
12 on that basis, deny each and every allegation in Paragraph 37 of the FAC.

13 38. In answering Paragraph 38 of the FAC, Defendants admit Plaintiff Long sent an
14 email on June 27, 2022 to the Shasta County Fair Manager. Defendants assert that the document
15 referenced speaks for itself and that no response is otherwise required.

16 39. In answering Paragraph 39 of the FAC, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
18 on that basis, deny each and every allegation in Paragraph 39 of the FAC.

19 40. In answering Paragraph 40 of the FAC, Defendants admit Defendant Silva emailed
20 Plaintiff Long on June 28, 2022. Defendants assert that the document speaks for itself and that no
21 response is otherwise required.

22 41. In answering Paragraph 41 of the FAC, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
24 on that basis, deny each and every allegation in Paragraph 41 of the FAC.

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1 42. In answering Paragraph 42 of the FAC, Defendants admit that Plaintiff Long sent a
2 letter on June 28, 2022, to the Shasta District Fair. Defendants assert that the document
3 referenced speaks for itself and that no response is otherwise required.

4 43. In answering Paragraph 43 of the FAC, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
6 on that basis, deny each and every allegation in Paragraph 43 of the FAC.

7 44. In answering Paragraph 44 of the FAC, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
9 on that basis, deny each and every allegation in Paragraph 44 of the FAC.

10 45. In answering Paragraph 45 of the FAC, Defendants admit that Defendant
11 Fernandez left a voicemail for Plaintiff Long stating he had stopped by her house but she was not
12 home. Except as admitted, Defendants deny each and every other allegation in Paragraph 45 of
13 the FAC.

14 46. In answering Paragraph 46 of the FAC, Defendants admit that Defendant Ashbee
15 provided a Statement of Probable Cause in application for a search warrant. Defendants assert
16 that the document referenced speaks for itself and that no response is otherwise required.

17 47. In answering Paragraph 47 of the FAC, Defendants assert that the allegations
18 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
19 extent a response is required, Defendants deny each and every allegation in Paragraph 47 of the
20 FAC. Defendants also assert that the document referenced speaks for itself and that no response
21 is otherwise required.

22 48. In answering Paragraph 48 of the FAC, Defendants assert that the allegations
23 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
24 extent a response is required, Defendants deny each and every allegation in Paragraph 48 of the
25 FAC. Defendants also assert that the document referenced speaks for itself and that no response is
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1 otherwise required.

2 49. In answering Paragraph 49 of the FAC, Defendants assert that the allegations
3 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
4 extent a response is required, Defendants deny each and every allegation in Paragraph 49 of the
5 FAC. Defendants also assert that the document referenced speaks for itself and that no response
6 is otherwise required.

7 50. In answering Paragraph 50 of the FAC, Defendants admit that a warrant was
8 issued on July 8, 2022. Except as admitted, Defendants deny each and every other allegation in
9 Paragraph 50 of the FAC.

10 51. In answering Paragraph 51 of the FAC, Defendants assert that the document
11 referenced speaks for itself and that no response is otherwise required.

12 52. In answering Paragraph 52 of the FAC, Defendants assert that the document
13 referenced speaks for itself and that no response is otherwise required.

14 53. In answering Paragraph 53 of the FAC, Defendants assert that the allegations
15 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
16 extent a response is required, Defendants deny each and every allegation in Paragraph 53 of the
17 FAC.

18 54. In answering Paragraph 54 of the FAC, Defendants assert that the document
19 referenced speaks for itself and that no response is otherwise required.

20 55. In answering Paragraph 55 of the FAC, Defendants assert that the allegations
21 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
22 extent a response is required, Defendants deny each and every allegation in Paragraph 55 of the
23 FAC.

24 56. In answering Paragraph 56 of the FAC, Defendants assert that the allegations
25 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
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1 extent a response is required, Defendants deny each and every allegation in Paragraph 56 of the
2 FAC.

3 57. In answering Paragraph 57 of the FAC, Defendants admit that on July 8, 2022,
4 Defendant Fernandez and Defendant Duncan drove to Sonoma County to retrieve a goat. Except
5 as admitted, Defendants are without sufficient knowledge or information to form a belief as to the
6 truth of the other allegations contained therein, and, on that basis, deny each and every other
7 allegation in Paragraph 57 of the FAC.

8 58. In answering Paragraph 58 of the FAC, Defendants admit that Defendant
9 Fernandez and Defendant Duncan arrived at Bleating Hearts Farm & Sanctuary in Napa. Except
10 as admitted, Defendants are without sufficient knowledge or information to form a belief as to the
11 truth of the other allegations contained therein, and, on that basis, deny each and every other
12 allegation in Paragraph 58 of the FAC.

13 59. In answering Paragraph 59 of the FAC, Defendants admit that Defendant
14 Fernandez and Defendant Duncan proceeded from Bleating Heart Farm and Sanctuary in Napa
15 County to the Sonoma Farm in Sonoma County where they obtained Cedar. Defendants assert
16 that no warrant was necessary to retrieve Cedar at the Sonoma Farm as they had consent from the
17 property owner to retrieve the goat.

18 60. In answering Paragraph 60 of the FAC, Defendants deny the allegations therein.

19 61. In answering Paragraph 61 of the FAC, Defendants deny the allegations therein.

20 62. In answering Paragraph 62 of the FAC, Defendants assert that the allegations
21 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
22 extent a response is required, Defendants deny each and every allegation in Paragraph 62 of the
23 FAC.

24 63. In answering Paragraph 63 of the FAC, Defendants assert that the allegations
25 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
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1 extent a response is required, Defendants deny each and every allegation in Paragraph 63 of the
2 FAC.

3 64. In answering Paragraph 64 of the FAC, Defendants admit that Defendants applied
4 for a criminal warrant. Except as admitted, Defendants assert that the other allegations in
5 Paragraph 64 of the FAC contain Plaintiff's legal theories and/or legal conclusion to which no
6 response is required. To the extent a response is required, Defendants deny each and every other
7 allegation in Paragraph 64 of the FAC.

8 65. In answering Paragraph 65 of the FAC, Defendants are without sufficient
9 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
10 on that basis, deny each and every allegation in Paragraph 65 of the FAC.

11 66. In answering Paragraph 66 of the FAC, Defendants assert that the allegations
12 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
13 extent a response is required, Defendants deny each and every allegation in Paragraph 66 of the
14 FAC.

15 67. In answering Paragraph 67 of the FAC, Defendants assert that the allegations
16 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
17 extent a response is required, Defendants deny each and every allegation in Paragraph 67 of the
18 FAC.

19 68. In answering Paragraph 68 of the FAC, Defendants assert that the allegations
20 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
21 extent a response is required, Defendants deny each and every allegation in Paragraph 68 of the
22 FAC.

23 69. In answering Paragraph 69 of the FAC, Defendants assert that the allegations
24 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
25 extent a response is required, Defendants deny each and every allegation in Paragraph 69 of the
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1 FAC.

2 70. In answering Paragraph 70 of the FAC, Defendants assert that the allegations
3 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
4 extent a response is required, Defendants deny each and every allegation in Paragraph 70 of the
5 FAC.

6 71. In answering Paragraph 71 of the FAC, Defendants assert that the allegations
7 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
8 extent a response is required, Defendants deny each and every allegation in Paragraph 71 of the
9 FAC.

10 72. In answering Paragraph 72 of the FAC, Defendants assert that the allegations
11 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
12 extent a response is required, Defendants deny each and every allegation in Paragraph 72 of the
13 FAC.

14 73. In answering Paragraph 73 of the FAC, Defendants admit that on or about October
15 24, 2022, Plaintiffs served a claim for damages to Shasta County and the Shasta Sheriff's
16 Department. Defendants are without sufficient knowledge or information to form a belief as to
17 the truth of the other allegations contained therein, and, on that basis, deny each and every other
18 allegation in Paragraph 73 of the FAC.

19 74. In answering Paragraph 74 of the FAC, Defendants are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
21 on that basis, deny each and every allegation in Paragraph 74 of the FAC.

22 75. In answering Paragraph 75 of the FAC, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
24 on that basis, deny each and every allegation in Paragraph 75 of the FAC.

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FIRST CAUSE OF ACTION

Right to Be Secure From Unreasonable Searches and Seizures

Fourth Amendment to U.S. Constitution (42 U.S.C. § 1983)

(Against Defendants Ashbee, Fernandez, and Duncan)

76. In answering Paragraph 76 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every allegation in Paragraph 76 of the FAC.

77. In answering Paragraph 77 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 77 of the FAC.

78. In answering Paragraph 78 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 78 of the FAC.

79. In answering Paragraph 79 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every allegation in Paragraph 79 of the FAC. Defendants also assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required.

80. In answering Paragraph 80 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 80 of the FAC.

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SECOND CAUSE OF ACTION

Denial of Constitutional Right of Due Process of Law

Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983)

(Against Defendants Ashbee, Fernandez, and Duncan)

81. In answering Paragraph 81 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every allegation in Paragraph 81 of the FAC.

82. In answering Paragraph 82 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 82 of the FAC.

83. In answering Paragraph 83 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 83 of the FAC.

84. In answering Paragraph 84 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 84 of the FAC.

85. In answering Paragraph 85 of the FAC, Defendants assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 85 of the FAC.

86. In answering Paragraph 86 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and,

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1 on that basis, deny each and every allegation in Paragraph 86 of the FAC. Defendants also assert
2 that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response
3 is required.

4 87. In answering Paragraph 87 of the FAC, Defendants assert that the allegations
5 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
6 extent a response is required, Defendants deny each and every allegation in Paragraph 87 of the
7 FAC.

8 **THIRD CAUSE OF ACTION**

9 **Right to Be Secure From Unreasonable Searches and Seizures**

10 **Fourth Amendment to U.S. Constitution (42 U.S.C. § 1983)**

11 **(Against the Doe Defendants)**

12 88. In answering Paragraph 88 of the FAC, Defendants are without sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
14 on that basis, deny each and every allegation in Paragraph 88 of the FAC.

15 89. In answering Paragraph 89 of the FAC, Defendants assert that the allegations
16 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
17 extent a response is required, Defendants deny each and every allegation in Paragraph 89 of the
18 FAC.

19 90. In answering Paragraph 90 of the FAC, Defendants assert that the allegations
20 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
21 extent a response is required, Defendants deny each and every allegation in Paragraph 90 of the
22 FAC.

23 91. In answering Paragraph 91 of the FAC, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
25 on that basis, deny each and every allegation in Paragraph 91 of the FAC. Defendants also assert
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1 that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response
2 is required.

3 92. In answering Paragraph 92 of the FAC, Defendants assert that the allegations
4 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
5 extent a response is required, Defendants deny each and every allegation in Paragraph 92 of the
6 FAC.

7 **FOURTH CAUSE OF ACTION**

8 **Denial of Constitutional Right of Due Process of Law**

9 **Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983)**

10 **(Against the Doe Defendants)**

11 93. In answering Paragraph 93 of the FAC, Defendants are without sufficient
12 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
13 on that basis, deny each and every allegation in Paragraph 93 of the FAC.

14 94. In answering Paragraph 94 of the FAC, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
16 on that basis, deny each and every allegation in Paragraph 94 of the FAC.

17 95. In answering Paragraph 95 of the FAC, Defendants assert that the allegations
18 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
19 extent a response is required, Defendants deny each and every allegation in Paragraph 95 of the
20 FAC.

21 96. In answering Paragraph 96 of the FAC, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
23 on that basis, deny each and every allegation in Paragraph 96 of the FAC. Defendants also assert
24 that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no response
25 is required.

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1 97. In answering Paragraph 97 of the FAC, Defendants assert that the allegations
2 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
3 extent a response is required, Defendants deny each and every allegation in Paragraph 97 of the
4 FAC.

5 **FIFTH CAUSE OF ACTION**

6 **Denial of Constitutional Right against Unreasonable Search and Seizure**

7 **California Constitution, Article 1, § 13**

8 **(Against Defendants Shasta County, Shasta Sheriff's Department, Fernandez, and Duncan)**

9 98. In answering Paragraph 98 of the FAC, Defendants are without sufficient
10 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
11 on that basis, deny each and every allegation in Paragraph 98 of the FAC.

12 99. In answering Paragraph 99 of the FAC, Defendants assert that the allegations
13 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
14 extent a response is required, Defendants deny each and every allegation in Paragraph 99 of the
15 FAC.

16 100. In answering Paragraph 100 of the FAC, Defendants assert that the allegations
17 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
18 extent a response is required, Defendants deny each and every allegation in Paragraph 100 of the
19 FAC.

20 101. In answering Paragraph 101 of the FAC, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
22 on that basis, deny each and every allegation in Paragraph 101 of the FAC. Defendants also
23 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
24 response is required.

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1 on that basis, deny each and every allegation in Paragraph 107 of the FAC. Defendants also
2 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
3 response is required.

4 108. In answering Paragraph 108 of the FAC, Defendants assert that the allegations
5 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
6 extent a response is required, Defendants deny each and every allegation in Paragraph 108 of the
7 FAC.

8 **SEVENTH CAUSE OF ACTION**

9 **Denial of Constitutional Right against Unreasonable Search and Seizure**

10 **California Constitution, Article 1, § 13**

11 **(Against Shasta Fair Association and Does)**

12 109. In answering Paragraph 109 of the FAC, Defendants are without sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
14 on that basis, deny each and every allegation in Paragraph 109 of the FAC.

15 110. In answering Paragraph 110 of the FAC, Defendants assert that the allegations
16 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
17 extent a response is required, Defendants deny each and every allegation in Paragraph 110 of the
18 FAC.

19 111. In answering Paragraph 111 of the FAC, Defendants assert that the allegations
20 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
21 extent a response is required, Defendants deny each and every allegation in Paragraph 111 of the
22 FAC.

23 112. In answering Paragraph 112 of the FAC, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
25 on that basis, deny each and every allegation in Paragraph 112 of the FAC. Defendants also

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1 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
2 response is required.

3 113. In answering Paragraph 113 of the FAC, Defendants assert that the allegations
4 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
5 extent a response is required, Defendants deny each and every allegation in Paragraph 113 of the
6 FAC.

7 114. In answering Paragraph 114 of the FAC, Defendants are without sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
9 on that basis, deny each and every allegation in Paragraph 114 of the FAC.

10 **EIGHTH CAUSE OF ACTION**

11 **Denial of Constitutional Right to Due Process of Law**

12 **California Constitution, Article 1, § 7(a)**

13 **(Against Shasta Fair Association and Does)**

14 115. In answering Paragraph 115 of the FAC, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
16 on that basis, deny each and every allegation in Paragraph 115 of the FAC.

17 116. In answering Paragraph 116 of the FAC, Defendants assert that the allegations
18 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
19 extent a response is required, Defendants deny each and every allegation in Paragraph 116 of the
20 FAC.

21 117. In answering Paragraph 117 of the FAC, Defendants assert that the allegations
22 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
23 extent a response is required, Defendants deny each and every allegation in Paragraph 117 of the
24 FAC.

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1 118. In answering Paragraph 118 of the FAC, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
3 on that basis, deny each and every allegation in Paragraph 118 of the FAC. Defendants also
4 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
5 response is required.

6 119. In answering Paragraph 119 of the FAC, Defendants assert that the allegations
7 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
8 extent a response is required, Defendants deny each and every allegation in Paragraph 119 of the
9 FAC.

10 **NINTH CAUSE OF ACTION**

11 **Conversion**

12 **(Against Shasta County, Shasta Sheriff's Department, Fernandez, Duncan, and Does)**

13 120. In answering Paragraph 120 of the FAC, Defendants are without sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
15 on that basis, deny each and every allegation in Paragraph 120 of the FAC.

16 121. In answering Paragraph 121 of the FAC, Defendants deny each and every
17 allegation in Paragraph 121 of the FAC.

18 122. In answering Paragraph 122 of the FAC, Defendants admit that Defendants
19 Fernandez and Duncan lawfully took possession of Cedar and turned the goat over to Bruce
20 MacFarlane. Defendants deny each and every allegation in Paragraph 122 of the FAC.

21 123. In answering Paragraph 123 of the FAC, Defendants assert that the allegations
22 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
23 extent a response is required, Defendants deny each and every allegation in Paragraph 123 of the
24 FAC.

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1 130. In answering Paragraph 130 of the FAC, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
3 on that basis, deny each and every allegation in Paragraph 130 of the FAC.

4 131. In answering Paragraph 131 of the FAC, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
6 on that basis, deny each and every allegation in Paragraph 131 of the FAC. Defendants also
7 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
8 response is required.

9 132. In answering Paragraph 132 of the FAC, Defendants are without sufficient
10 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
11 on that basis, deny each and every allegation in Paragraph 132 of the FAC.

12 133. In answering Paragraph 133 of the FAC, Defendants assert that the allegations
13 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
14 extent a response is required, Defendants deny each and every allegation in Paragraph 133 of the
15 FAC.

16 134. In answering Paragraph 134 of the FAC, Defendants are without sufficient
17 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
18 on that basis, deny each and every allegation in Paragraph 134 of the FAC. Defendants also
19 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
20 response is required.

21 135. In answering Paragraph 135 of the FAC, Defendants assert that the allegations
22 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
23 extent a response is required, Defendants deny each and every allegation in Paragraph 135 of the
24 FAC.

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ELEVENTH CAUSE OF ACTION

Negligence

(Against Shasta County, Sheriff’s Department, Fernandez, Duncan, and Does)

136. In answering Paragraph 136 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every allegation in Paragraph 136 of the FAC.

137. In answering Paragraph 137 of the FAC, Defendants assert that the allegations contain Plaintiff’s legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 137 of the FAC.

138. In answering Paragraph 138 of the FAC, Defendants assert that the allegations contain Plaintiff’s legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 138 of the FAC.

139. In answering Paragraph 139 of the FAC, Defendants assert that the allegations contain Plaintiff’s legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 139 of the FAC.

140. In answering Paragraph 140 of the FAC, Defendants assert that the allegations contain Plaintiff’s legal theories and/or legal conclusion to which no response is required. To the extent a response is required, Defendants deny each and every allegation in Paragraph 140 of the FAC.

141. In answering Paragraph 141 of the FAC, Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and, on that basis, deny each and every allegation in Paragraph 141 of the FAC. Defendants also

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1 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
2 response is required.

3 142. In answering Paragraph 142 of the FAC, Defendants assert that the allegations
4 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
5 extent a response is required, Defendants deny each and every allegation in Paragraph 142 of the
6 FAC.

7 143. In answering Paragraph 143 of the FAC, Defendants assert that the allegations
8 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
9 extent a response is required, Defendants deny each and every allegation in Paragraph 143 of the
10 FAC.

11 **TWELFTH CAUSE OF ACTION**

12 **Negligence**

13 **(Against Shasta Fair Association, Silva, McFarlane, and Does)**

14 144. In answering Paragraph 144 of the FAC, Defendants are without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
16 on that basis, deny each and every allegation in Paragraph 144 of the FAC.

17 145. In answering Paragraph 145 of the FAC, Defendants assert that the allegations
18 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
19 extent a response is required, Defendants deny each and every allegation in Paragraph 145 of the
20 FAC.

21 146. In answering Paragraph 146 of the FAC, Defendants assert that the allegations
22 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
23 extent a response is required, Defendants deny each and every allegation in Paragraph 146 of the
24 FAC.

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1 147. In answering Paragraph 147 of the FAC, Defendants assert that the allegations
2 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
3 extent a response is required, Defendants deny each and every allegation in Paragraph 147 of the
4 FAC.

5 148. In answering Paragraph 148 of the FAC, Defendants are without sufficient
6 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
7 on that basis, deny each and every allegation in Paragraph 148 of the FAC. Defendants also
8 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
9 response is required.

10 149. In answering Paragraph 149 of the FAC, Defendants assert that the allegations
11 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
12 extent a response is required, Defendants deny each and every allegation in Paragraph 149 of the
13 FAC.

14 150. In answering Paragraph 150 of the FAC, Defendants assert that the allegations
15 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
16 extent a response is required, Defendants deny each and every allegation in Paragraph 150 of the
17 FAC.

18 **THIRTEENTH CAUSE OF ACTION**

19 **Intentional Infliction of Emotional Distress**

20 **(Against Shasta Fair Association, Silva, McFarlane, and Does)**

21 151. In answering Paragraph 151 of the FAC, Defendants are without sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
23 on that basis, deny each and every allegation in Paragraph 151 of the FAC.

24 152. In answering Paragraph 152 of the FAC, Defendants are without sufficient
25 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
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1 on that basis, deny each and every allegation in Paragraph 152 of the FAC. Defendants also
2 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
3 response is required.

4 153. In answering Paragraph 153 of the FAC, Defendants are without sufficient
5 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
6 on that basis, deny each and every allegation in Paragraph 153 of the FAC.

7 154. In answering Paragraph 154 of the FAC, Defendants assert that the allegations
8 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
9 extent a response is required, Defendants deny each and every allegation in Paragraph 154 of the
10 FAC.

11 155. In answering Paragraph 155 of the FAC, Defendants assert that the allegations
12 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
13 extent a response is required, Defendants deny each and every allegation in Paragraph 155 of the
14 FAC.

15 156. In answering Paragraph 156 of the FAC, Defendants assert that the allegations
16 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
17 extent a response is required, Defendants deny each and every allegation in Paragraph 156 of the
18 FAC.

19 **FOURTEENTH CAUSE OF ACTION**

20 **Declaratory Relief**

21 **(Against Silva, Macfarlane, Shasta Fair Association, and Does)**

22 157. In answering Paragraph 157 of the FAC, Defendants are without sufficient
23 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
24 on that basis, deny each and every allegation in Paragraph 157 of the FAC.

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1 158. In answering Paragraph 158 of the FAC, Defendants are without sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
3 on that basis, deny each and every allegation in Paragraph 158 of the FAC.

4 159. In answering Paragraph 159 of the FAC, Defendants assert that the allegations
5 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
6 extent a response is required, Defendants deny each and every allegation in Paragraph 159 of the
7 FAC.

8 160. In answering Paragraph 160 of the FAC, Defendants assert that the allegations
9 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
10 extent a response is required, Defendants deny each and every allegation in Paragraph 160 of the
11 FAC.

12 161. In answering Paragraph 161 of the FAC, Defendants assert that the allegations
13 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
14 extent a response is required, Defendants deny each and every allegation in Paragraph 161 of the
15 FAC.

16 **FIFTEENTH CAUSE OF ACTION**

17 **First Amendment Viewpoint Discrimination**

18 **First Amendment to U.S. Constitution (42 U.S.C. § 1983)**

19 **(Against Silva, Macfarlane, and Does)**

20 162. In answering Paragraph 162 of the FAC, Defendants are without sufficient
21 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
22 on that basis, deny each and every allegation in Paragraph 162 of the FAC.

23 163. In answering Paragraph 163 of the FAC, Defendants are without sufficient
24 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
25 on that basis, deny each and every allegation in Paragraph 163 of the FAC. Defendants also

1 assert that the allegations contain Plaintiff's legal theories and/or legal conclusion to which no
2 response is required.

3 164. In answering Paragraph 164 of the FAC, Defendants are without sufficient
4 knowledge or information to form a belief as to the truth of the allegations contained therein, and,
5 on that basis, deny each and every allegation in Paragraph 164 of the FAC.

6 165. In answering Paragraph 165 of the FAC, Defendants assert that the allegations
7 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
8 extent a response is required, Defendants deny each and every allegation in Paragraph 165 of the
9 FAC.

10 166. In answering Paragraph 166 of the FAC, Defendants assert that the allegations
11 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
12 extent a response is required, Defendants deny each and every allegation in Paragraph 166 of the
13 FAC.

14 167. In answering Paragraph 167 of the FAC, Defendants assert that the allegations
15 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
16 extent a response is required, Defendants deny each and every allegation in Paragraph 167 of the
17 FAC.

18 168. In answering Paragraph 168 of the FAC, Defendants assert that the allegations
19 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
20 extent a response is required, Defendants deny each and every allegation in Paragraph 168 of the
21 FAC.

22 169. In answering Paragraph 169 of the FAC, Defendants assert that the allegations
23 contain Plaintiff's legal theories and/or legal conclusion to which no response is required. To the
24 extent a response is required, Defendants deny each and every allegation in Paragraph 169 of the
25 FAC.

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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. As a first, separate affirmative defense, Defendants allege that the FAC, and each claim alleged therein, fail to state facts sufficient to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Qualified Immunity)

2. As a second, separate affirmative defense, Defendants allege that they are entitled to qualified immunity.

THIRD AFFIRMATIVE DEFENSE

(Immunity Pursuant to Gov. Code, § 820.8)

3. As a third, separate affirmative defense, Defendants allege that they are entitled to immunity pursuant to California Government Code § 820.8.

FOURTH AFFIRMATIVE DEFENSE

(Immunity Pursuant to Gov. Code, § 820.4)

4. As a fourth, separate affirmative defense, Defendants allege that they are entitled to immunity pursuant to California Government Code § 820.4.

FIFTH AFFIRMATIVE DEFENSE

(Estoppel)

5. As a fifth, separate affirmative defense, Defendants allege that the FAC is barred by the doctrine of estoppel.

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SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

6. As a sixth, separate affirmative defense, Defendants allege that the FAC is barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

(Additional Affirmative Defenses)

7. As a seventh, separate affirmative defense, Defendants reserve the right to plead additional affirmative defenses.

PRAYER FOR RELIEF

WHEREFORE, Defendants pray as follows:

- 1. That the FAC be dismissed with prejudice;
- 2. That Plaintiff take nothing by this proceeding;
- 3. That Defendants be awarded their costs of suit incurred in the defense of this action;
- 4. That Defendants be awarded their reasonable attorneys’ fees incurred in the defense of this action; and
- 5. For such other and further relief as the Court deems just and proper.

Dated: March 23, 2023

BEST BEST & KRIEGER LLP

By: /s/ Damian A. Northcutt
CHRISTOPHER M. PISANO
DAMIAN A. NORTHCUTT

Attorneys for Defendants
COUNTY OF SHASTA; SHASTA
COUNTY SHERIFF’S DEPARTMENT;
LIEUTENANT JERRY FERNANDEZ;
DETECTIVE JACOB DUNCAN; and
DETECTIVE JEREMY ASHBEE

2:22-CV-01527-DAD-AC
DEFENDANTS COUNTY OF SHASTA,
SHASTA COUNTY SHERIFF’S
DEPARTMENT, LIEUTENANT JERRY
FERNANDEZ, DETECTIVE JACOB
DUNCAN, AND DETECTIVE JEREMY
ASHBEE’S ANSWER TO PLAINTIFFS’
FIRST AMENDED COMPLAINT