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8 Counsel for Defendant SACRAMENTO COUNTY
9 SHERIFFS' ASSOCIATION, INC.
10 d.b.a SACRAMENTO COUNTY
11 DEPUTY SHERIFFS' ASSOCIATION
12 a.k.a. SCDSA

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 WILLIAM BARNSDALE, acting Vice-
16 president Sacramento County Deputy
17 Sheriffs' Association *et al.*,

18 Plaintiffs,

19 vs.

20 BRANNON POLETE, *et al.*

21 Defendants.

22 Case No.: : 07-CV-01636-LKK-KJM

23 DEFENDANT SACRAMENTO
24 COUNTY SHERIFFS'
25 ASSOCIATION, INC. d.b.a
26 SACRAMENTO COUNTY
27 DEPUTY SHERIFFS' ASSOCIATION
28 a.k.a. SCDSA ANSWER TO
COMPLAINT

29 DEFENDANT SACRAMENTO COUNTY SHERIFFS' ASSOCIATION,
30 INC. d.b.a SACRAMENTO COUNTY DEPUTY SHERIFFS' ASSOCIATION
31 a.k.a. SCDSA, by and through it undersigned counsel, hereby answers plaintiffs'
32 Complaint in the captioned matter as follows:

1 In response to the numbered paragraphs and/or sentences of the Complaint,
2 defendant The SACRAMENTO COUNTY SHERIFFS' ASSOCIATION, INC.
3 d.b.a SACRAMENTO COUNTY DEPUTY SHERIFFS' ASSOCIATION a.k.a.
4 SCDSA admits, denies or otherwise responds as follows:

5 Paragraphs No. 1 through No. 4

6 These averments characterize relief sought, on that basis, admitted.

7 Paragraph No. 5

8 Admitted.

9 Paragraph No. 6

10 Defendant SCDSA lacks sufficient knowledge or information to form a
11 belief as to the truth of the information contained in this paragraph.

12 Paragraph No. 7

13 These averments characterize relief sought, on that basis, admitted.

14 Paragraphs No. 8 through 11

15 The allegations contained in these paragraphs constitute legal conclusions to
16 which no response is required. To the extent a response is deemed required,
17 defendant admits the allegations contained in these paragraphs.

18 Paragraphs No. 12 through 13

19 Admits.

20 Paragraph No. 14

21 Defendant SCDSA lacks sufficient knowledge or information to form a
22 belief as to the truth of the information contained in this paragraph. To the extent a
23 response is deemed required, defendant admits the allegation contained in the
24 paragraph.

25 Paragraph No. 15

26 Defendant SCDSA lacks sufficient knowledge or information to form a belief as to
27 the truth of the information contained in this paragraph. To the extent a response is
28 deemed required, defendant admits the allegation contained in the paragraph.

1 Paragraph No.16

2 The allegations contained in these paragraphs constitute legal conclusions to
3 which no response is required. To the extent a response is deemed required,
4 defendant admits the allegations contained in these paragraphs.

5 Paragraphs No. 17 through Paragraph No. 42

6 Defendant SCDSA admits the allegations contained within these paragraphs.

7 Paragraph No. 43

8 The allegations contained in these paragraphs constitute legal conclusions to
9 which no response is required. To the extent a response is deemed required,
10 defendant admits the allegations contained in these paragraphs.

11 Paragraph No. 44 through Paragraph No. 51

12 Defendant SCDSA lacks sufficient knowledge or information to form a
13 belief as to the truth of the information contained in these paragraphs.

14 Paragraph No. 52 through Paragraph No. 53

15 These averments characterize relief sought, on that basis, admitted.

16 Paragraph No. 54 through Paragraph No. 64

17 Defendant SCDSA lacks sufficient knowledge or information to form a
18 belief as to the truth of the information contained in these paragraphs.

19 Paragraph No. 65 through Paragraph No. 73

20 Defendant SCDSA admits the allegations contained within these paragraphs
21 but denies that the allegations were the express or implied consent, permission and
22 authority, or authorized by Defendant SCDSA.

23 Paragraph No. 74 through Paragraph No. 75

24 Defendant SCDSA admits the allegations contained within these paragraphs
25 but denies that the allegations were the express or implied consent, permission and
26 authority, or authorized by Defendant SCDSA.

27 //

1 Paragraph No. 76 through Paragraph No. 81

2 Defendant SCDSA lacks sufficient knowledge or information to form a
3 belief as to the truth of the information contained in these paragraphs.

4 Paragraph No. 82 through Paragraph No. 85

5 The allegations contained in these paragraphs constitute legal conclusions to
6 which no response is required. To the extent a response is deemed required,
7 defendant admits the allegations contained in these paragraphs.

8 Paragraph No. 86

9 Defendant SCDSA lacks sufficient knowledge or information to form a
10 belief as to the truth of the information contained in these paragraphs.

11 Paragraph No. 87

12 Defendant SCDSA admits the allegation contained within this paragraph but
13 denies that the allegations were the express or implied consent, permission and
14 authority, or authorized by Defendant SCDSA.

15 Paragraph No. 88 through Paragraph 93

16 Defendant SCDSA lacks sufficient knowledge or information to form a
17 belief as to the truth of the information contained in these paragraphs.

18 Paragraph No. 94

19 Defendant SCDSA admits the allegation contained within this paragraph but
20 denies that the allegations were the express or implied consent, permission and
21 authority, or authorized by Defendant SCDSA.

22 Paragraph No. 95 through 98

23 Defendant SCDSA lacks sufficient knowledge or information to form a
24 belief as to the truth of the information contained in these paragraphs.

25 Paragraph No. 99 through Paragraph No. 104

26 Defendant SCDSA lacks sufficient knowledge or information to form a
27 belief as to the truth of the information contained in these paragraphs.

28

1 Paragraph No. 105 through Paragraph No. 125

2 Defendant SCDSA admits the allegations contained within these paragraphs
3 but denies that the allegations were the express or implied consent, permission and
4 authority, or authorized by Defendant SCDSA.

5 Paragraph No. 126 through Paragraph No. 133

6 Defendant SCDSA admits the allegations contained within these paragraphs
7 but denies that the allegations were the express or implied consent, permission and
8 authority, or authorized by Defendant SCDSA.

9 Paragraph No. 134 through Paragraph No. 143

10 Defendant SCDSA admits the allegations contained within these paragraphs
11 but denies that the allegations were the express or implied consent, permission and
12 authority, or authorized by Defendant SCDSA.

13 Paragraph No. 144 through Paragraph No. 149

14 Defendant SCDSA admits the allegations contained within these paragraphs
15 but denies that the allegations were the express or implied consent, permission and
16 authority, or authorized by Defendant SCDSA.

17 Paragraph No. 150

18 The allegations contained in these paragraphs constitute legal conclusions to
19 which no response is required. To the extent a response is deemed required,
20 defendant admits the allegations contained in these paragraphs but denies that the
21 allegations were authorized by Defendant.

22 Paragraph No. 151 through Paragraph No. 154

23 Defendant SCDSA admits the allegations contained within these paragraphs
24 but denies that the allegations were the express or implied consent, permission and
25 authority, or authorized by Defendant SCDSA.

26 Paragraph No. 155

27 Defendant SCDSA lacks sufficient knowledge or information to form a
28 belief as to the truth of the information contained in these paragraphs.

1 Paragraph No. 156 through Paragraph No. 159

2 Defendant SCDSA lacks sufficient knowledge or information to form a
3 belief as to the truth of the information contained in these paragraphs.

4 Paragraph No. 160 through Paragraph No. 162

5 Defendant SCDSA lacks sufficient knowledge or information to form a
6 belief as to the truth of the information contained in these paragraphs.

7 Paragraph No. 163 through Paragraph No. 187

8 Defendant SCDSA admits the allegations contained within these paragraphs
9 but denies that the allegations were the express or implied consent, permission and
10 authority, or authorized by Defendant SCDSA.

11 Paragraph No. 188 through Paragraph No. 191

12 The allegations contained in these paragraphs constitute legal conclusions to
13 which no response is required. To the extent a response is deemed required,
14 defendant admits the allegations contained in these paragraphs.

15 Paragraph No. 192 through Paragraph No. 209

16 Defendant SCDSA admits the allegations contained within these paragraphs
17 but denies that the actions were the express or implied consent, permission and
18 authority, or authorized by Defendant SCDSA.

19 Paragraph No. 210 through Paragraph No. 212

20 Defendant SCDSA lacks sufficient knowledge or information to form a
21 belief as to the truth of the information contained in these paragraphs.

22 Paragraph No. 213

23 Defendant SCDSA admits the allegation contained within this paragraph but
24 denies that the actions were the express or implied consent, permission and
25 authority, or authorized by Defendant SCDSA.

26 Paragraph No. 214 through Paragraph No. 215

27 Defendant SCDSA lacks sufficient knowledge or information to form a
28 belief as to the truth of the information contained in these paragraphs.

1 Paragraph No. 216 through Paragraph No. 239

2 Defendant SCDSA admits the allegations contained within these paragraphs
3 but denies that the actions were the express or implied consent, permission and
4 authority, or authorized by Defendant SCDSA.

5 Paragraph No. 240 through Paragraph No. 242

6 _The allegations contained in these paragraphs constitute legal conclusions to
7 which no response is required. To the extent a response is deemed required,
8 defendant admits the allegations contained in these paragraphs.

9 Paragraph No. 243 through Paragraph No. 248

10 Defendant SCDSA lacks sufficient knowledge or information to form a
11 belief as to the truth of the information contained in these paragraphs.

12 Paragraph No. 249 through Paragraph No. 252

13 The allegations contained in these paragraphs constitute legal conclusions to
14 which no response is required. To the extent a response is deemed required,
15 defendant admits the allegations contained in these paragraphs.

16 Paragraph No. 253 through Paragraph No. 265

17 Defendant SCDSA admits the allegations contained within these paragraphs
18 but denies that the actions were the express or implied consent, permission and
19 authority, or authorized by Defendant SCDSA.

20 Paragraph No. 266 through Paragraph No. 275

21 Defendant SCDSA lacks sufficient knowledge or information to form a
22 belief as to the truth of the information contained in these paragraphs but denies
23 that the actions were the express or implied consent, permission and authority, or
24 authorized by Defendant SCDSA.

25 Paragraph No. 276 through Paragraph No. 307

26 Defendant SCDSA admits the allegations contained within these paragraphs
27 but denies that the actions were the express or implied consent, permission and
28 authority, or authorized by Defendant SCDSA.

1 Paragraph No. 308 through Paragraph 349

2 Defendant SCDSA admits the allegations contained within these paragraphs
3 but denies that the actions were the express or implied consent, permission and
4 authority, or authorized by Defendant SCDSA.

5 Paragraph No. 350 through Paragraph No. 352

6 The allegations contained in this paragraph constitute legal conclusions to
7 which no response is required.

8 Paragraph No. 353

9 Defendant SCDSA admits the allegation contained with this paragraph.

10 Paragraph No. 354 through Paragraph No. 358

11 Defendant SCDSA admits the allegations contained within these paragraphs
12 but denies that the actions were the express or implied consent, permission and
13 authority, or authorized by Defendant SCDSA.

14 Paragraph No. 359

15 Defendant SCDSA admits the allegation contained within this paragraph.

16 Paragraph No. 360 through Paragraph No. 403

17 Defendant SCDSA admits the allegations contained within these paragraphs
18 but denies that the actions were the express or implied consent, permission and
19 authority, or authorized by Defendant SCDSA.

20 Paragraph No. 404

21 Defendant SCDSA admits the allegations contained within this paragraph.

22 Paragraph No. 405 through Paragraph No. 408

23 Defendant SCDSA admits the allegations contained within these paragraphs
24 but denies that the actions were the express or implied consent, permission and
25 authority, or authorized by Defendant SCDSA.

26 Paragraph No. 409

27 These averments characterize relief sought, on that basis, admitted.
28

FIRST AFFIRMATIVE DEFENSE

1
2 Indemnification: SCDSA is informed and believes and thereon alleges that
3 each individually named co-defendant is responsible in some manner for the
4 occurrences herein alleged; that SCDSA and Plaintiffs' damages are proximately
5 caused thereby; and that each co-defendant, acted or failed to act with the express
6 or implied consent, permission and authority of the SCDSA, and that all said acts
7 were *ultra vires*; as such, Defendant SCDSA is entitled to damages caused by such
8 acts.

9 WHEREFORE, having fully answered plaintiff's Complaint, defendant
10 prays for a judgment dismissing the complaint against defendant SACRAMENTO
11 COUNTY SHERIFFS' ASSOCIATION, INC. d.b.a SACRAMENTO COUNTY
12 DEPUTY SHERIFFS' ASSOCIATION a.k.a. SCDSA, but grant the relief prayed
13 for by plaintiff's against the individually named co-defendants.
14

15
16 Dated: August 9, 2007

Respectfully submitted,

/S/ Robert J. Saria

Attorney for Defendant SCDSA