

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

BLACK & BROWN LIBERATION,	)	
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:20-cv-240-DRL-SLC
	)	
CITY OF FORT WAYNE,	)	
ALLEN COUNTY SHERIFF, in his	)	
official capacity,	)	
	)	
Defendants.	)	

Stipulation to Amend Complaint to Dismiss Certain Claims and Parties

Come now the parties, all by their respective counsel, and stipulate and agree as follows.

1. This action was filed by Plaintiffs against the City of Fort Wayne and the Allen County Sheriff.
2. Since the Filing of the Amended Complaint (doc 7), Plaintiff Alisha Rauch has indicated that she no longer wishes to be a party to the litigation. On August 6, 2020, Plaintiffs filed their Motion to Voluntarily Dismiss Claims of Alisha Rauch (doc 25).
3. Plaintiffs also wish to dismiss the Allen County Sheriff as a party to this action, with the Plaintiffs and the Allen County Sheriff to pay their own costs and attorneys' fees.
4. The Allen County Sheriff and the City of Fort Wayne agree to this dismissal, with the City of Fort Wayne specifically reserving all rights to plead in the future all affirmative

defenses or claims that may be appropriate related to the conduct of the Allen County Sheriff as originally pleaded in the Complaint and Amended Complaint, and any such dismissal of the Sheriff shall not result in any waiver of any procedural or substantive claims of the City of Fort Wayne.

5. This dismissal will result in the amending of the previously filed amended complaint (Dkt. 7) to remove the Allen County Sheriff as a party in this case pursuant to Federal Rule of Civil Procedure 15.

6. The parties agree that the City of Fort Wayne should be relieved from answering any further amended complaint inasmuch as the only change is to remove the Sheriff as a party, and as the City of Fort Wayne filed its Answer to the Amended Complaint on August 24, 2020 (doc 29).

7. To effectuate the further amendment of the Amended Complaint, the parties also agree that paragraphs 102-123 inclusive of the Amended Complaint should be stricken due to the dismissal of Plaintiff Alisha Rauch.

WHEREFORE, the parties stipulate to the amending of the operative complaint in this case as follows: (1) to dismiss the Plaintiff Alisha Rauch and to strike paragraphs 102-123 from the Amended Complaint; and (2) to dismiss the Allen County Sheriff from this action, with the plaintiffs and the Allen County Sheriff to pay their own costs and attorneys' fees, and for all other proper relief.

Kenneth J. Falk
Gavin M. Rose
Stevie J. Pactor
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org
grose@aclu-in.org
spactpr@aclu-in.org

Attorneys for Plaintiffs

/s/ J. Spencer Feighner
(w/permission)
John O. Feighner
J. Spencer Feighner
Joshua C. Friend
HALLER& COLVIN, P.C.
444 E. Main St.
Fort Wayne, IN 46802
260/426-0444
fax: 260/422-0274
jfeighner@hallercolv.com
jsf@hallercolvin.com
jfriend@hallercolvin.com

Attorneys for Allen County Sheriff

Anne L. Cowgur
Beth A. Copeland
TAFT STETTINIUS & HOLLISTER LLP
One Indiana Square, Suite 3500
Indianapolis, IN 46204
317/713-3500
fax: 317/713-3699
acowgur@taftlaw.com
bcopeland@taftlaw.com

/s/Adam M. Henry
(w/ permission)
Adam M. Henry
Theodore T. Storer
BEERS MALLERS BACKS & SALIN LLP
110 W. Berry St., Suite 1100
Fort Wayne, IN 46802
260/426-9706

fax: 260/420-1314
amhenry@beersmallers.com
ttstorer@beersmallers.com

Carol Tan Helton
CITY OF FORT WAYNE
Citizens Square
200 E. Berry St., Suite 430
Fort Wayne, IN 46802
260/427-1395
Carol.helton@cityoffortwayne.org

Attorneys for the City of Fort Wayne