

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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Susan Doxtator, Arlie Doxtator, and  
Sarah Wunderlich, as Special  
Administrators of the Estate of Jonathon  
C. Tubby,

Plaintiffs,

Case No. 19-CV-00137

v.

Erik O'Brien, Andrew Smith, Todd J.  
Delain, Heidi Michel, City of Green  
Bay, Brown County, Joseph P. Mleziva,  
Nathan K. Winisterfer, Thomas Zeigle,  
Bradley A. Dernbach, and John Does 1-  
5,

Defendants.

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**DEFENDANT BROWN COUNTY'S ANSWER TO  
CROSS-CLAIM OF DEFENDANTS ERIK O'BRIEN, ANDREW SMITH,  
AND CITY OF GREEN BAY [DOCKET 41]**

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NOW COMES the above-named Defendant, Brown County, by its attorneys, Crivello Carlson, S.C., and as and for their Answer to the Cross-Claim of Defendants Erik O'Brien, Andrew Smith and City of Green Bay ("City Defendants") hereby admit, deny, allege, and show to the Court as follows:

1. Answering paragraph 1 of the Cross-Claim, the County realleges and incorporates by reference as though stated fully herein its answers and affirmative defenses to Plaintiffs' complaints, including ECF Nos. 38 and 52.

2. Answering paragraph 2 of the Cross-Claim, admit that Mr. Tubby arrived at the Brown County Jail; as further answer to any remaining allegations, the County lacks knowledge

and information sufficient to form a belief as to the truth of these allegations and therefore denies them, putting City Defendants to their proof thereon.

3. Answering paragraph 3 of the Cross-Claim, deny City Defendants' description is either complete or correct.

4. Answering paragraph 4 of the Cross-Claim, deny City Defendants' description is either complete or correct.

5. Answering paragraph 5 of the Cross-Claim, the County lacks knowledge and information sufficient to form a belief as to the truth of these allegations and therefore denies them, putting City Defendants to their proof thereon.

6. Answering paragraph 6 of the Cross-Claim, deny City Defendants' description is either complete or correct.

7. Answering paragraph 7 of the Cross-Claim, deny.

8. Answering paragraph 8 of the Cross-Claim, deny.

9. Answering paragraph 9 of the Cross-Claim, deny.

10. Answering paragraph 10 of the Cross-Claim, deny.

Dated this 3<sup>rd</sup> day of June, 2019.

CRIVELLO CARLSON, S.C.

Attorneys for Defendants Todd J. Delain, Heidi Michel,  
Brown County, Joseph P. Mleziva, Nathan K. Winisterfer,  
Thomas Zeigle, and Bradley A. Dernbach

BY: s/ Benjamin A. Sparks

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