

**ROBINSON & KELLAR**  
ATTORNEYS AT LAW  
3434 TRUXTUN AVENUE, SUITE 150  
BAKERSFIELD, CALIFORNIA 93301  
TELEPHONE (661) 323-8277  
FAX (661) 323-4205

MICHAEL C. KELLAR      SBN: 80251

Attorneys for Defendant, DEPUTY AARON NADAL (public employee - fee exempt)

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

DAVID LEE TURNER, JR, as Successor	)	Case No. 1:11-CV-01366-AWI-SKO
in Interest to DAVID LEE TURNER, SR,	)	
deceased, ALFONSO TURNER, AHMAD	)	STIPULATION TO DISMISS ALL CLAIMS
TURNER, WHITTNEY TURNER,	)	AGAINST DEFENDANT DEPUTY
JALISA TURNER, TIFFANY TURNER,	)	AARON NADAL; ORDER
NACOLE TURNER, DESMOND	)	
TURNER,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
COUNTY OF KERN, a municipal	)	
corporation; DEPUTY WESLEY KRAFT,	)	
an individual; DEPUTY AARON NADAL,	)	
an individual; DONNY YOUNGBLOOD,	)	
an individual, and DOES 1 through 10,	)	
inclusive,	)	
	)	
Defendants.	)	
_____	)	

**RECITALS**

**WHEREAS**, the plaintiffs filed the First Amended Complaint in the above-entitled action on October 28, 2011; and

**WHEREAS**, DEPUTY AARON NADAL was named as a Defendant in the First Amended Complaint; and,

**WHEREAS** this action came on regularly for Trial on February 25, 2014, in Courtroom 2, of the above-entitled Court, the Honorable Anthony Ishii, Judge presiding. Plaintiffs, DAVID LEE TURNER, JR., ALFONSO TURNER, AHMAD TURNER, WHITNEY TURNER, JALISA TURNER, TIFFANY TURNER, NICOLE TURNER, and DESMOND TURNER, appearing by Brian T. Dunn and Gerson S. Horn; Defendant DEPUTY WESLEY KRAFT, appearing by Deputy County Counsel Marshall S. Fontes; and Defendant DEPUTY AARON NADAL appearing by attorney Michael C. Kellar; and,

**WHEREAS**, a jury of eight persons was impaneled and sworn in at the Trial. Witnesses were sworn and testified. After hearing the evidence and arguments of the parties and counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on special issues. The jury then deliberated and on March 6, 2014, returned into Court with their verdict consisting of unanimous answers to some of the special issues submitted to the jury and the answer given thereto by the jury, which said verdict was in words and figures as follows, to wit:

SPECIAL VERDICT

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

I. Section 1983 - Fourth Amendment - Unreasonable Seizure

1. Did Deputy Wesley Kraft intentionally and unreasonably seize David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES \_\_\_\_\_

NO  X

2. Did Deputy Aaron Nadal intentionally and unreasonably seize David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES \_\_\_\_

NO X

II. Section 1983 - Fourth Amendment - Unreasonable Search

3. Did Deputy Wesley Kraft intentionally and unreasonably search David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES \_\_\_\_

NO X

III. Section 1983 - Fourth Amendment - Excessive Force - Non-Shooting Conduct

4. Did Deputy Wesley Kraft use excessive force against David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES \_\_\_\_

NO X

5. Did Deputy Aaron Nadal use excessive force against David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES \_\_\_\_

NO X

NOW THEREFORE COME THE PARTIES, through their respective counsel, and do hereby stipulate pursuant to Federal Rules of Civil Procedure, Rule 41(a)(A)(ii), that all claims alleged by Plaintiffs in the First Amended Complaint against Defendant DEPUTY AARON NADAL, shall be dismissed, with prejudice.

Defendant DEPUTY AARON NADAL agrees to waive any costs that were incurred by him or on his behalf in connection with the defense of this lawsuit.

Date: April \_\_\_\_, 2014

THE COCHRAN FIRM – CALIFORNIA

By

BRIAN T. DUNN

Attorneys for Plaintiffs

DAVID LEE TURNER, JR.,  
ALFONSO TURNER, AHMAD  
TURNER, WHITTNEY TURNER,  
JALISA TURNER, TIFFANY  
TURNER, NICOLE TURNER, and  
DESMOND TURNER

Date: April \_\_\_\_, 2014

OFFICE OF THE COUNTY COUNSEL,  
COUNTY OF KERN

By

S. MARSHALL FONTES  
Attorneys for Defendants,  
COUNTY OF KERN  
DEPUTY WESLEY KRAFT

Date: April \_\_\_\_, 2014

ROBINSON & KELLAR

By

MICHAEL C. KELLAR  
Attorneys for Defendant,  
DEPUTY AARON NADAL

**ORDER**

The parties having stipulated, and good cause appearing, the Court ORDERS:

The stipulation to dismiss all claims against defendant Deputy Aaron Nadal is

**GRANTED.**

IT IS SO ORDERED.

Dated: May 2, 2014

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE