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8 **Attorneys for Defendants County of Kern,**
9 **Kern County Sheriff's Office, Sheriff**
10 **Youngblood, and Deputy Manriquez**

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

13 **THE ESTATE OF DONALD MALIHK) Case No.: 1:16-CV-00188 DAD JLT**
14 **LEVINGSTON, TRACI MORALES,)**
15 **individually and as successor in interest to) STIPULATION RE TESTIMONY OF**
16 **the ESTATE OF DONALD MALIHK) MINOR PLAINTIFFS**
17 **LEVINGSTON, ELIJAH LEVINGTSON)**
18 **by and through his *Guardian Ad Litem*) (Doc. 16)**
19 **TRACI MORALES and ELIZABETH)**
20 **LEVINGSTON, by and through her)**
21 ***Guardian Ad Litem* TRACI MORALES)**

22 **Plaintiffs,**

23 **v.**

24 **COUNTY OF KERN, KERN COUNTY)**
25 **SHERIFF'S DEPT., DEPUTY DAVID)**
26 **MANRIQUEZ, KERN COUNTY)**
27 **SHERIFF DONNY YOUNGBLOOD,)**
28 **HALL AMBULANCE SERVICE, INC.,)**
BRENDA ROBINSON and DOES 1)
THROUGH 25, INCLUSIVE)

Defendants.

COME NOW THE PARTIES IN THIS MATTER:

Plaintiffs, the Estate Of Donald Maliik Levingston, Traci Morales, individually and as successor in interest to the Estate Of Donald Maliik Levingston, Elijah Levingston by and through his Guardian Ad Litem Traci Morales and Elizabeth Levingston, by and through her

1 Guardian Ad Litem Traci Morales (hereinafter collectively “Plaintiffs”) are represented by
2 Michael J. Curls and Nichelle D. Jones of the Law Offices of Michael J. Curls.

3 Defendants, Hall Ambulance Service, Inc. and Brenda Robinson (hereinafter
4 collectively “Hall Defendants”) are represented by Deborah Susan Tropp of McNeil, Tropp
5 & Braun.

6 Defendants, County of Kern, Kern County Sheriff’s Office, Sheriff Youngblood, and
7 Deputy Manriquez, (hereinafter collectively “County Defendants”) are represented by Andrew
8 C. Thomson, of the Office of Kern County Counsel.

9 Plaintiffs, Hall Defendants and County Defendants are hereinafter collectively
10 referred to as the “Parties” and provide as follows:

11 **IT IS HEREBY STIPULATED AND AGREED TO**, by and between the Parties to
12 this action through their designated counsel that:

13 Based upon statements by Plaintiffs’ counsel, the Parties are informed and believe
14 that the minor Plaintiffs Elijah Levingston and Elizabeth Levingston (hereinafter the “minor
15 Plaintiffs”) are currently six and eight years old respectively.

16 Based upon statements by Plaintiffs’ counsel, the Parties are informed and believe
17 that the minor plaintiffs do not have any information and/or details about the underlying
18 incident and facts of Decedent’s death, including but not limited to Decedent’s arrest, the
19 transportation of Decedent from the arrest site, any vehicle stops occurring for inspections,
20 assessments and/or to reposition Decedent during transportation in the Sheriff’s vehicle,
21 Decedent’s brief stay and/or treatment at Central Receiving (the Downtown Jail), Decedent’s
22 stay and/or treatment at Kern Medical Center, and/or Decedent’s autopsy including the
23 autopsy and all forensic lab tests and panels.

24 Based upon statements by Plaintiffs’ counsel, the Parties are informed and believe
25 that the minor plaintiffs Elijah Levingston and Elizabeth Levingston are understandably
26 having a difficult time as a result of the loss of Decedent and any questioning on the incident
27 or facts of Decedent’s death could have an adverse effect on the minor Plaintiffs.

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1 **IT IS THEREFOR STIPULATED:**

2 Based upon the representations by Plaintiffs' counsel as set forth above, the Parties
3 agree and stipulate, as follows:

4 Hall Defendants and County Defendants will not solicit any information in discovery,
5 including in depositions or at trial, regarding the underlying incident and facts of Decedent's
6 death in this case from the minor Plaintiffs, in an effort to protect the minor Plaintiffs as
7 requested by Plaintiffs' counsel; and,

8 Neither at trial, nor for any other purpose, will Counsel for minor Plaintiffs illicit, or
9 attempt to illicit, through oral testimony, declaration or in any other manner, any information
10 regarding the incident and or facts regarding Decedent's death from minor Plaintiffs.

11 DATED: January 11, 2017

Law Offices of Michael J. Curls

12 By: /s/ Nichelle D. Jones

13 Michael J. Curls, Esq.

14 Nichelle D. Jones, Esq.

15 Attorneys for Plaintiffs Estate of Donald Maliik
Levingston, Traci Morales, Elijah Levingston
and Elizabeth Levingston

16 DATED: January 12, 2017

McNeil Tropp & Braun LLP

17 By: /s/ Deborah S. Tropp

18 Deborah Susan Tropp, Esq.

19 Attorneys for Defendants Hall Ambulance
Service, Inc. and Brenda Robinson

20 DATED: January 12, 2017

Mark L. Nations, Interim County Counsel

21 By: /s/ Andrew C. Thomson

22 Andrew C. Thomson, Deputy

23 County Of Kern, Kern County Sheriff's Dept.,

24 Deputy David Manriquez, and Kern County

25 Sheriff Donny Youngblood

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1 **IT IS APPROVED.**

2 **IT IS SO ORDERED.**

3 Dated: **January 17, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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