

1 **MARK L. NATIONS, INTERIM COUNTY COUNSEL**

2 **Andrew C. Thomson, Deputy (SBN 149057)**

3 Kern County Administrative Center

4 1115 Truxtun Avenue, Fourth Floor

5 Bakersfield, CA 93301

6 Telephone 661-868-3800

7 Fax 661-868-3805

8 Attorneys for Defendants, County of Kern, Sheriff Youngblood, and Deputy Manriquez

9 **Michael J. Curls, Esq. (SBN 159651)**

10 **Nichelle D. Jones, Esq. (SBN 186308)**

11 **LAW OFFICE OF MICHAEL J. CURLS**

12 4340 Leimert Blvd., Suite 200

13 Los Angeles, CA 90008

14 Telephone: (323) 293-2314

15 Facsimile: (323) 293-2350

16 Attorneys for Plaintiffs, Estate of Donald Maliik Levingston, Traci Morales, individually and as
17 Guardian Ad Litem for Elijah Levingston and Elizabeth Levingston

18 **Deborah S. Tropp, Esq. (SBN 162613)**

19 **Christina N. Meissner, Esq. (SBN 278714)**

20 **McNEIL, TROPP & BRAUN LLP**

21 2 Park Plaza, Suite 620

22 Irvine, California 92614

23 Telephone: (949) 259-2890

24 Facsimile: (949) 259-2891

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

26 **UNITED STATES DISTRICT COURT**

27 **EASTERN DISTRICT OF CALIFORNIA**

28 **THE ESTATE OF DONALD MALIHK) Case No.: 1:16-CV-00188 DAD JLT**

LEVINGSTON, TRACI MORALES,)

individually and as successor in interest to) STIPULATION TO ALLOW

the ESTATE OF DONALD MALIHK) PLAINTIFFS TO AMEND COMPLAINT

LEVINGSTON, ELIJAH LEVINGTSON) TO ADD OMMITTED HEIRS

by and through his *Guardian Ad Litem*)

TRACI MORALES and ELIZABETH)

LEVINGSTON, by and through her)

***Guardian Ad Litem* TRACI MORALES)**

)

Plaintiffs,)

)

v.)

1)
2) **COUNTY OF KERN, KERN COUNTY**)
3) **SHERIFF’S DEPT., DEPUTY DAVID**)
4) **MANRIQUEZ, KERN COUNTY**)
5) **SHERIFF DONNY YOUNGBLOOD,**)
6) **HALL AMBULANCE SERVICE, INC.,**)
7) **BRENDA ROBINSON and DOES 1**)
8) **THROUGH 25, INCLUSIVE**)
9)
10) **Defendants.**)

11 **COME NOW** the Parties in this matter, and present this Stipulation to Allow Plaintiffs
12 to Amend Complaint to Add Omitted Heirs.

13 Plaintiffs, the Estate Of Donald Maliik Levingston, Traci Morales, individually and as
14 successor in interest to the Estate Of Donald Maliik Levingston, Elijah Levingston by and
15 through his Guardian Ad Litem Traci Morales and Elizabeth Levingston, by and through her
16 Guardian Ad Litem Traci Morales (hereinafter collectively “Plaintiffs”) are represented by
17 Michael J. Curls and Nichelle D. Jones of the Law Offices of Michael J. Curls.

18 Defendants, Hall Ambulance Service, Inc. and Brenda Robinson (hereinafter
19 collectively “Hall Defendants”) are represented by Deborah S. Tropp of McNeil, Tropp &
20 Braun.

21 Defendants, County of Kern, Sheriff Youngblood and Deputy Manriquez, (hereinafter
22 collectively “County Defendants”) are represented by Andrew C. Thomson, of the Office of
23 Kern County Counsel.

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

26 **THE PARTIES FIND AND AGREE AS FOLLOWS:**

27 Pursuant to the Court’s Order of March 1, 2017, the Parties hereby agree that Plaintiffs
28 are allowed to amend their complaint, with the sole purpose being to only allow the addition of
all of the omitted heirs.

Attached as Exhibit “A” is a true and correct copy of Plaintiffs’ Proposed First
Amended Complaint.

1 The Parties additionally agree that the stipulation to allow the amended complaint is not
2 intended to allow any change or alteration to the complaint, will not change or alter the nature
3 and/or allegations of the complaint and/or will not change, alter or add any cause of action.

4 The Parties additionally agree that the sole intent of the stipulation is to allow the
5 amendment of the complaint to allow Plaintiffs to join all omitted heirs as parties in the current
6 complaint.

7 **IT IS THEREFOR STIPULATED:**

8 Based upon the foregoing, the Parties agree and stipulate, as follows:

9 Plaintiffs are allowed to amend their complaint for the sole purpose of adding all
10 omitted heirs as parties to this action.

11 Plaintiffs' amended complaint will not change or alter the nature and/or allegations of
12 the complaint and/or will not change, alter or add any cause of action therein; with the sole
13 intent of the Parties being to only allow the addition of all omitted heirs.

14
15 DATED: March 10, 2017

Law Offices of Michael J. Curls

16
17 By: /s/ Nichelle D. Jones
18 Michael J. Curls, Esq.
19 Nichelle D. Jones, Esq.
20 Attorneys for Plaintiffs Estate of Donald Maliik
21 Levingston, Traci Morales, Elijah Levingston and
22 Elizabeth Levingston

23 DATED: March 10, 2017

McNeil Tropp & Braun LLP

24
25 By: /s/ Christina Meissner
26 Deborah S. Tropp, Esq.
27 Christina Meissner, Esq.
28 Attorneys for Defendants Hall Ambulance Service,
Inc. and Brenda Robinson

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DATED: March 10, 2017

Mark L. Nations, Interim County Counsel

By: /s/ Andrew C. Thomson
Andrew C. Thomson, Deputy
County Of Kern, Deputy David Manriquez and
Kern County Sheriff Donny Youngblood

ORDER

Based upon the stipulation of counsel, the Court **ORDERS:**

- 1. The stipulation to amend the complaint is **GRANTED**;
- 2. Plaintiffs **SHALL** file the amended complaint no later than **March 17, 2017**.

Plaintiff **SHALL** serve the newly added parties expeditiously;

- 3. The motion to stay (Doc. 20) is **MOOT**.

IT IS SO ORDERED.

Dated: **March 14, 2017**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE