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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES RAYMOND,  
Plaintiff,  
v.  
WARREN MARTIN,  
Defendant.

Lead No. 1:18-cv-00307-DAD-JLT

ORDER DENYING MOTION TO JOIN  
HEIRS

No.: 1:18-cv-1526-DAD-JLT (Doc. No. 17)  
No.: 1:19-cv-01302-DAD-JLT (Doc. No 10.)

INGRID CRAWFORD SMITH, et al.,  
Plaintiffs,  
v.  
CITY OF BAKERSFIELD, et al.,  
Defendants.

A.J.C.,  
Plaintiff,  
v.  
CITY OF BAKERSFIELD, et al.,  
Defendants.

1           The three above-listed actions are brought by the purported heirs of decedent August  
2 Joshua Crawford, an individual that plaintiffs claim was fatally shot by Bakersfield officers on  
3 November 4, 2017. (*Crawford Smith v. City of Bakersfield*, No. 1:18-cv-01526-DAD-JLT (E.D.  
4 Cal. Mar. 14, 2019) (“*Crawford Smith*”), Doc. No. 1 at ¶¶ 14–18; *A.J.C. v. City of Bakersfield*,  
5 No. 1:19-cv-01302-DAD-JLT (E.D. Cal. Jan. 22, 2020) (“*A.J.C.*”), Doc. No. 1 at ¶¶ 13–17.) On  
6 March 14, 2019 and January 22, 2020, the actions were consolidated for all purposes, including  
7 trial, by order of the assigned magistrate judge. (*Crawford Smith*, Doc. No. 26; *A.J.C.*, Doc. No.  
8 20.)

9           Pending before the court are two motions to join all heirs of decedent Augustus Joshua  
10 Crawford brought by defendants City of Bakersfield, Bakersfield Police Department, Chief Lyle  
11 Martin, and Warren Martin filed on March 5, 2019 and November 26, 2019.<sup>1</sup> (*Crawford Smith*,  
12 Doc. No. 17; *A.J.C.*, Doc. No. 10.) On April 2, 2019, plaintiffs Ingrid Crawford Smith and A.C.  
13 filed a statement of non-opposition to the motion. (*Crawford Smith*, Doc. No. 28.) Plaintiff  
14 A.J.C failed to respond, and the time to do so has long since passed. (*A.J.C.*, Doc. No. 16.)

15           Defendant maintains that all heirs of decedent Augustus Joshua Crawford must be joined  
16 to this suit because California law permits only one wrongful death action to be pursued.  
17 (*Crawford Smith*, Doc. No. 17-1 at 5–8; *A.J.C.*, Doc. No. 10-1 at 5–8.) The court previously  
18 denied without prejudice a nearly identical motion for joinder brought by defendant Warren  
19 Martin in the lead case finding that neither mandatory nor permissive joinder was warranted at  
20 that time because, *inter alia*, only one of the known heirs had filed a claim, and that action did not  
21 contain a state law wrongful death claim. *See Raymond v. Martin*, No. 1:18-cv-00307-DAD-JLT,  
22 2018 WL 4560686, at \*3 (E.D. Cal. Sept. 20, 2018). Subsequently, two additional actions were  
23 filed by alleged heirs of decedent Augustus Joshua Crawford, which brought claims for wrongful

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27 <sup>1</sup> Defendants Chief Lyle Martin and Warren Martin are parties only to the motion filed in  
28 *Crawford Smith v. City of Bakersfield*, No. 1:18-cv-01526-DAD-JLT.

1 death under California state law. While these motions have been pending,<sup>2</sup> all three actions  
2 brought by purported heirs of decedent Augustus Joshua Crawford were consolidated. (*Crawford*  
3 *Smith*, Doc. No. 26; *A.J.C.*, Doc. No. 20.) Given the current consolidated posture of the actions,  
4 the court finds no further action is necessary and the two pending motions for joinder are denied  
5 as having been rendered moot.

### 6 CONCLUSION

7 For the reasons stated above,

- 8 1. The motion to join heirs (Doc. No. 17) filed in *Crawford Smith v. City of Bakersfield*,  
9 No. 1:18-cv-01526-DAD-JLT, and the motion to join heirs (Doc. No. 10) filed in  
10 *A.J.C. v. City of Bakersfield*, No. 1:19-cv-01302-DAD-JLT, are denied as moot; and
- 11 2. The member cases, *Crawford Smith v. City of Bakersfield*, No. 1:18-cv-01526-DAD-  
12 JLT, and *A.J.C. v. City of Bakersfield*, No. 1:19-cv-01302-DAD-JLT, are to remain  
13 administratively closed while the consolidated action proceeds as *Raymond v. Martin*,  
14 No. 1:18-cv-00307-DAD-JLT.

15 IT IS SO ORDERED.

16 Dated: February 26, 2021

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19 UNITED STATES DISTRICT JUDGE

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27 <sup>2</sup> The court apologizes to the parties and to counsel for the court's lengthy delay in issuing this  
28 order. This court's overwhelming caseload has been well publicized and the long-standing lack  
of judicial resources in this district has reached crisis proportion. Unfortunately, that situation  
sometimes results in a submitted matter being overlooked for a period of time and that occurred  
with respect to this motion.