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5 Attorneys for Defendants SWIFT TRANSPORTATION CO. OF ARIZONA, LLC and
MARSHALL ANTHONY SMITH
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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

11 REGINALD VEDRINE,

12 Plaintiff,

13 v.

14 SWIFT TRANSPORTATION OF ARIZONA,
15 LLC; MARSHALL ANTHONY SMITH, an
individual; AND DOES 1 TO 20,
16 INCLUSIVE,

17 Defendants.

Case No. 1:22-cv-00902-AWI-EPG

**STIPULATION AND ORDER FOR
LEAVE TO FILE AMENDED
COMPLAINT TO CORRECT
MISNOMER (F.R.C.P. 15(a))**

(ECF No. 9)

18 Defendants Swift Transportation Co. of Arizona, LLC (erroneously named as Swift
19 Transportation of Arizona, LLC) and Marshall Anthony Smith and Plaintiff Reginald Vedrine
20 ("Plaintiff") submit the following Joint Stipulation and request that the Court grant Plaintiff leave
21 to file a First Amended Complaint pursuant to Rule 15(a) of the Federal Rules of Civil Procedure:

- 22 1. Plaintiff filed the operative Complaint on February 4, 2022 in Tulare County
23 Superior Court;
- 24 2. Defendant Swift Transportation Co. of Arizona, LLC was inadvertently named in
25 the Complaint as "Swift Transportation of Arizona, LLC";
- 26 3. Defendant Swift Transportation Co. of Arizona, LLC removed this matter from
27 Tulare County Superior Court to the United States District Court for the Eastern District of
28 California, Fresno Division on July 19, 2022, and filed its Answer on July 26, 2022;

1 4. Defendant Marshall Anthony Smith was served with the operative Complaint on
2 August 30, 2022; and,

3 5. To remedy the misnaming of Swift Transportation Co. of Arizona, LLC and to
4 allow for the filing of a complaint that is formatted for the United States District Court, the parties
5 request that leave be granted for the filing of a First Amended Complaint.

6 **IT IS THEREFORE STIPULATED** by and between the parties through their respective
7 attorneys of records that Plaintiff shall, pursuant to Rule 15(a) of the Federal Rules of Civil
8 Procedure, file a First Amended Complaint within twenty (20) days of the entry of an Order on
9 this Stipulation. Additionally, Defendant Marshall Anthony Smith shall file a responsive pleading
10 within twenty (20) days of the filing of the First Amended Complaint.

11 DATED: September 15, 2022

WOOD, SMITH, HENNING & BERMAN LLP

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14 By: _____


PATRICK S. SCHOENBURG

Attorneys for Defendants SWIFT TRANSPORTATION
CO. OF ARIZONA, LLC and MARSHALL ANTHONY
SMITH

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17 DATED: September 14, 2022

THE LAW OFFICES OF SIMRAN KALEKA, APC

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20 By: _____


SIMRAN KALEKA

Attorneys for Plaintiff REGINALD VEDRINE

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IT IS SO ORDERED.

/s/ Eric P. Goss
UNITED STATES MAGISTRATE JUDGE