

1 CLAUDIA QUINTANA  
 City Attorney, SBN 178613  
 2 BY: KELLY J. TRUJILLO  
 Deputy City Attorney, SBN 244286  
 3 CITY OF VALLEJO, City Hall  
 555 Santa Clara Street, P.O. Box 3068  
 4 Vallejo, CA 94590  
 Tel: (707) 648-4545  
 5 Fax: (707) 648-4687

6 MARK A. JONES, SBN 96494  
 KRISTEN K. PRESTON, SBN 125455  
 7 JONES & DYER  
 A Professional Corporation  
 8 1800 J Street  
 Sacramento, CA 95811  
 9 Tel: (916) 552-5959  
 Fax: (916) 442-5959  
 10

11 Attorneys for Defendants City of Vallejo, Officer Dustin B. Joseph,  
 Officer Sean G. Kenney and Vallejo Chief of Police Joseph M. Kreins  
 12

13 IN THE UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15 JOSEPH L. JOHNSON, an individual,  
 CYNTHIA A. MITCHELL, an individual,  
 16 and as successor-in-interest and personal  
 representative of decedent MARIO D.S.M.  
 17 ROMERO,

Case No.: 2:13-CV-01072-JAM-KJN  
 (Related to Case No.: 2:13-CV-02060-  
 JAM-KJN)

STIPULATION AND ORDER  
 CONSOLIDATING ACTIONS

18 Plaintiffs,

[F.R.C.P. 42]

19 vs.

20 THE CITY OF VALLEJO, a municipality  
 and charter city, POLICE OFFICER  
 21 DUSTIN B. JOSEPH, an individual,  
 POLICE OFFICER SEAN G. KENNEY,  
 22 an individual, VALLEJO CHIEF OF  
 POLICE JOSEPH M. KREINS, an  
 23 individual and DOES 1-5, inclusive,

TO BE CONSOLIDATED WITH  
 (*Romero, et al. v. The City of Vallejo, et al*  
 Case No.: 2:13-CV-02060-JAM-KJN)

**Honorable John A. Mendez**

24 Defendants.

25  
 26 WHEREAS, the court has issued an order relating these cases (see Docket No. 15); and  
 27 WHEREAS, the related cases arise from the same incident and call for determination of the  
 28 same factual and legal issues; and

1           WHEREAS, plaintiff Mitchell in case number 2:13-CV-01072-JAM-KJN and Romero,  
2 plaintiff in the related case, each claim to be the sole surviving heir of Mario Romero with respect  
3 to survivor claims alleged on Romero’s behalf and wrongful death claims on their own behalf; and

4           WHEREAS, pursuant to statute, in California individuals with standing to pursue survival  
5 actions are expressly limited to the duly appointed personal representative of the decedent’s estate  
6 or, if none, decedent’s successor-in-interest (California Code of Civil Procedure section 377.30) and  
7 wrongful death actions in California are similarly controlled by statute, standing is limited pursuant  
8 to California Code of Civil Procedure section 377.60 and an action for wrongful death is a “single  
9 joint individual action”; and

10           WHEREAS, if the related cases are heard and decided separately inconsistent verdicts may  
11 result,

12           THE PARTIES HEREBY STIPULATE AND AGREE that, subject to court approval, the  
13 related cases be consolidated pursuant to Federal Rules of Civil Procedure 42 for all purposes,  
14 including trial.

15 Dated: February 21, 2014

BOWLES & VERNA LLP

17 By: /s/ Lawrence D. Goldberg  
18 MICHAEL P. VERNA  
19 LAWRENCE D. GOLDBERG  
20 Attorneys for Plaintiffs JOSEPH L. JOHNSON  
21 and CYNTHIA A. MITCHELL, individually  
22 and as successor-in-interest and personal  
23 representative of decedent MARIO D. S. M.  
24 ROMERO

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1 Dated: February 21, 2014

THE HALEY LAW OFFICES, P.C.

2  
3 By: /s/ Matthew D. Haley  
4 MATTHEW D. HALEY  
5 FULVIO F. CAJINA  
6 Attorneys for Plaintiffs NXXXXXX RXXXXX,  
7 a minor, by and through her guardian ad litem,  
8 NATASHA STEPHENS, individually and  
9 Successor in Interest to Decedent MARIO  
10 ROMERO; CYNQUITA MARTIN,  
11 individually and as guardian ad litem for  
12 DXXXXX MXXXXX, and DXXXXX  
13 MXXXXX, both minors.; AHN KHE HARRIS,  
14 individually; and AHN LOC HARRIS,  
15 individually

12 DATE: February 21, 2014

CITY OF VALLEJO ATTORNEY

14 By: /s/ Kelly Trujillo  
15 CLAUDIA QUINTANA  
16 KELLY TRUJILLO  
17 Attorneys for Defendants City of  
18 Vallejo, Officer Dustin B. Joseph,  
19 Officer Sean G. Kenney and Vallejo  
20 Chief of Police Joseph M. Kreins

20 DATE: February 21, 2014

JONES & DYER

22 By: /s/ Mark A. Jones  
23 MARK A. JONES  
24 KRISTEN K. PRESTON  
25 Attorneys for Defendants City of  
26 Vallejo, Officer Dustin B. Joseph,  
27 Officer Sean G. Kenney and Vallejo  
28 Chief of Police Joseph M. Kreins

**ORDER**

IT IS SO ORDERED

DATED: 2/24/2014

/s/ John A. Mendez \_\_\_\_\_

John A. Mendez

U. S. District Court Judge

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