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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,
 18 Plaintiffs,

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

STIPULATION AND ORDER
 CONSOLIDATING ACTIONS

[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,
 24 Defendants.

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

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

16
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.

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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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