

LAW OFFICES OF JOHN L. BURRIS

JOHN L. BURRIS, Esq. (SBN 69888)
Airport Corporate Centre
7677 Oakport Street, Suite 1120
Oakland, California 94621
Telephone: (510) 839-5200
Facsimile: (510) 839-3882
john.burris@johnburrislaw.com

LAW OFFICES OF JOHN L. BURRIS

K. CHIKE ODIWE, Esq. (SBN 315109)
9701 Wilshire Blvd., Suite 1000
Beverly Hills, California 90212
Telephone: (310) 601-7070
Facsimile: (510) 839-3882
chike.odiwe@johnburrislaw.com

Attorneys for Plaintiff
JAMES STEWART

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES STEWART, individually and as
Successor in Interest to Decedent JAHMAL
DERRICK STEWART,

Plaintiff,

vs.

COUNTY OF YUBA, a municipal corporation;
TAMARA PECSI, individually and in her
official capacity as a deputy sheriff for the Yuba
County Sheriff's Department; and DOES 1-50,
inclusive, individually and in their official
capacity as agents for the Yuba County Sheriff's
Department,

Defendants.

CASE NO.: 2:19-cv-01744-TLN-DB

STIPULATION AND ORDER RE
PLAINTIFF'S REQUEST FOR LEAVE TO
FILE HIS SECOND AMENDED COMPLAINT

1 **TO THE HONORABLE COURT:**

2 By and through their counsel of record in this action, Plaintiff JAMES STEWART
3 (“Plaintiff”), by and through his attorneys, and defendant, COUNTY OF YUBA (“Defendant”), by
4 and through its attorneys, hereby stipulate for the purpose of Plaintiff’s request that the honorable
5 Court grant Plaintiff leave to amend to file his Second Amended Complaint for Damages, a copy of
6 which is attached hereto as **Exhibit “A.”**

7 **GOOD CAUSE STATEMENT.**

8 **1.** On September 3, 2019, Plaintiff filed his original Complaint for Wrongful Death
9 against the County of San Yuba and DOES 1-50. At the time of the initial filing, Plaintiff did not
10 know the identities of the individual county agents that they alleged contributed to the death of
11 Decedent Jahmal Stewart. As such, Plaintiff named the County of Yuba as a Defendant under a
12 *Monell* theory of liability and identified DOE Defendants under their remaining theories of liability
13 stemming from the officer involved shooting death of Jahmal Stewart.

14 **2.** On January 30, 2020, Plaintiff served Defendant County of Yuba with a Request for
15 Production of Documents, seeking all of the investigatory records related to the death of Jahmal
16 Stewart.

17 **3.** On or around February 18, 2020, the County of Yuba disclosed Tamara Pecsí as the
18 officer that shot Decedent Jahmal Stewart to death.

19 **4.** On or February 21, 2020, the parties filed a stipulation to add Tamara Pecsí as a
20 Defendant in this action.

21 **5.** After the Court entered the parties proposed protective Order, on or around March 5,
22 2020, Defendant County of Yuba then produced their initial documents responsive to Plaintiff’s
23 January 30, 2020, Request for Production of Documents, Set One.

24 **6.** Plaintiff’s counsel reviewed the County’s investigatory records, including the
25 interview of Deputy Scott Johannes. After, on September 25, 2020, Dep. Johannes was deposed.

26 **7.** Plaintiff’s counsel is of the belief that Deputy Johannes’ deposition testimony supports
27 a claim that he is an integral participant in the death of Jahmal Stewart.

28 **8.** On November 11, 2020, Defendants agreed to stipulate to add Deputy Johannes as a
Defendant in this action with the caveat that said addition would not impact the Court’s current

1 Scheduling Order, and that the addition would not give Plaintiff another opportunity to depose
2 Deputy Johannes. Plaintiff's counsel is in agreement with Defendants.

3 **IT IS HEREBY STIPULATED**, by and between Plaintiff and Defendant, by and through
4 their respective counsel, that:

- 5 1. Plaintiff should be granted leave to amend to file his Second Amended Complaint for
6 Damages, a copy of which is attached hereto as **Exhibit "A."**
- 7 2. The Court's Scheduling Order shall remain unchanged and Plaintiff will not seek a
8 second deposition of Deputy Scott Johannes.
- 9 2. Scott Johannes' responsive pleadings shall be due thirty (30) days after the Second
10 Amended Complaint for Damages is served on Deputy Johannes.

11
12 **Law Offices of John L. Burris**

13
14 Dated: November 12, 2020

/s/ Kenneth Chike Odiwe

Kenneth Chike Odiwe
Attorney for Plaintiff

15
16
17 **Porter Scott Attorneys**

18
19 Dated: November 12, 2020

* /s/ Carl Fessenden

Carl Fessenden
Matthew Gross
Attorneys for Defendants

ORDER

The Court, having reviewed the foregoing Stipulation, and good cause appearing therefore:

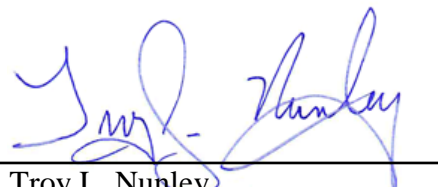
IT IS HEREBY ORDERED that Plaintiff, James Stewart is granted leave to amend to file his Second Amended Complaint for Damages **within seven (7) days**.

IT IS ALSO ORDERED THAT The Court’s Scheduling Order shall remain unchanged.

IT IS ALSO ORDERED THAT Plaintiff will not seek a second deposition of Deputy Scott Johannes.

IT IS SO ORDERED.

Dated: November 13, 2020



Troy L. Nunley
United States District Judge