

1 David L. Fiol [SBN 203546]
2 Email: dfiol@bfplawyers.com
3 Nathaniel M. Leeds [SBN 246138]
4 Email: nleeds@bfplawyers.com
5 BRENT & FIOLE, LLP
6 1000 4th Street, Suite 750
7 San Rafael, CA 94901
8 Telephone: (415) 839-8370

9 Attorneys for Plaintiff KRIS TEPLIN

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KRIS TEPLIN,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,
WENDI JOINER and STANLEY
EMMOTT

Defendants.

CASE NO. 4:17-cv-2445-HSG

**STIPULATION FOR DISMISSAL WITH
PREJUDICE OF NOMINAL DEFENDANT
STANLEY EMMOTT**

WHEREAS, in this action for wrongful death, decedent Adam Emmott was survived by his mother, plaintiff Kris Teplin, and his father, nominal defendant Stanley James Emmott, and not by a spouse or issue, and

WHEREAS, pursuant to California Code of Civil Procedure Section 377.60, in light of the above an action for wrongful death must be maintained by both the decedent's mother and the decedent's father, and

WHEREAS, California law permits only one action for wrongful death in which all heirs must join;

WHEREAS, Stanley James Emmott does not wish to pursue a claim for wrongful death damages, and

1 WHEREAS, Stanley James Emmott was named as a nominal defendant pursuant to California
2 Code of Civil Procedure § 382, and

3 WHEREAS, Stanley James Emmott wishes to waive any claim he might have for wrongful
4 death damages as a result of the death of his son, Adam Emmott, and be dismissed with prejudice as a
5 party to this case,

6 THEREFORE, the undersigned, acting pro se or by and through counsel as indicated, stipulate
7 and agree as follows:

8 (1) Stanley James Emmott does hereby waive any right he has, may have or in the future might
9 have under state or federal law to maintain a cause of action for damages of any kind against any party
10 arising out of the death of his son, Adam Emmott, and

11 (2) The instant waiver by Stanley James Emmott shall be treated as a dismissal with prejudice
12 of any claim he may have against defendants the United States of America, Wendi Joiner, as well as
13 their employers, insurers and respective subsidiaries and parent corporations, officers, directors, agents,
14 servants, employees, predecessors, successors and assigns, with the understanding that any future
15 claims he may have against defendants for the wrongful death of Adam Emmott will be forever barred
16 by California's one action rule.

17 (3) Stanley James Emmott shall be dismissed with prejudice as a nominal defendant in this
18 action, with each party to bear its own costs and fees.

19 (4) The Complaint is deemed amended to remove Stanley James Emmott as a nominal
20 defendant, and any subsequently-filed pleading shall not state or assume that Mr. Emmott is a party to
21 this action.

22 (5) The dismissal of Stanley James Emmott from this action will not serve as a basis for the
23 remaining defendant(s) to contend that this action cannot be maintained by the plaintiff for her failure
24 to join a necessary party.

25 DATED: February 7, 2018

26 *March*

BRENT & FIOL, LLP

27 By: 

David L. Fiol

Attorneys for Plaintiff Kris Teplin

March 19

1 DATED: ~~February~~ __, 2018

ALEX G. TSE
Acting United States Attorney


3 By: /s/
David Pereda
Assistant United States Attorney
Attorney for the United States of America

6 DATED: February __, 2018

HINSHAW, MARSH, STILL & HINSHAW LLP

8 By: _____
Barry Marsh, Esq.
Attorneys for Defendant Wendi Joiner M.D.

11 DATED: February 20th, 2018

12 By:  _____
Stanley James Emmott, Pro Se

14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Stanley James Emmott is
15 dismissed from this action with prejudice. The Complaint is deemed amended to remove Stanley
16 James Emmott as a nominal defendant. The Clerk of the Court is directed to update the docket sheet in
17 this matter and the files of the Court accordingly.

19 Dated:

21 By: _____
22 Hon. Haywood S. Gilliam, Jr.
United States District Judge

1 DATED: February __, 2018

ALEX G. TSE
Acting United States Attorney

2
3 By: _____

4 David Pereda
Assistant United States Attorney
Attorney for the United States of America

5
6 DATED: ^{March} February 19, 2018

HINSHAW, MARSH, STILL & HINSHAW LLP

7
8 By: Barry Marsh

9 Barry Marsh, Esq.
Attorneys for Defendant Wendi Joiner M.D.

10
11 DATED: February 20th, 2018

12 By: Stanley James Emmott

Stanley James Emmott, Pro Se

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14 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Stanley James Emmott is
15 dismissed from this action with prejudice. The Complaint is deemed amended to remove Stanley
16 James Emmott as a nominal defendant. The Clerk of the Court is directed to update the docket sheet in
17 this matter and the files of the Court accordingly.

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19 Dated: 3/20/2018

20
21 By: Haywood S. Gilliam, Jr.
22 Hon. Haywood S. Gilliam, Jr.
United States District Judge