

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KAI COLLIER,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, *et al.*,

Defendant.

Case No. 19-cv-1599-BAS-RBM

**ORDER GRANTING JOINT
MOTION FOR LEAVE TO FILE
THIRD AMENDED COMPLAINT
(ECF No. 33)**

On November 20, 2019, Plaintiff Kai Collier filed his Second Amended Complaint against Defendants California Department of Corrections and Rehabilitation, Officer John Huerta, Sergeant Jessie Romero, and Does 1–20 for wrongful death of Plaintiff’s son, the late Christian Collier, who was an inmate at Defendants’ Centinela State Prison. (Second Am. Compl. (“SAC”), ECF No. 13.) The SAC alleges that Defendants failed to give Christian Collier medical attention while he exhibited symptoms of overdose from methamphetamine and eventually died from the overdose. (*Id.*)


Since the filing of the SAC, the Court temporarily stayed discovery to address the concerns stemming from the rise of the COVID-19 pandemic. (Order Granting Joint Mot. to Stay Proceedings, ECF No. 22.) The Court lifted the stay on September 30, 2020, upon

1 the parties' joint request, and allowed the discovery to proceed. (Order Lifting Stay, ECF
2 No. 31.)

3 In the present stipulation, the parties express their agreement that Plaintiff be granted
4 leave to file a Third Amended Complaint to add six additional individual Defendants:
5 R. Davila; A. Hernandez; A. Navarro; J. Estrada; A. Beltran; and A. Macias. (Stipulation
6 to Amend Compl., ECF No. 33.) Courts "should freely grant leave [to amend] when justice
7 so requires." Fed. R. Civ. P. 15(a)(2). The Court finds it appropriate to allow Plaintiff to
8 amend the complaint and **GRANTS** Plaintiff leave to amend her pleading. Plaintiff is
9 **ORDERED** to file the Third Amended Complaint attached to the stipulation on or before
10 November 30, 2020.

11
12 **IT IS SO ORDERED.**

13
14 **DATED: November 19, 2020**


Hon. Cynthia Bashant
United States District Judge