

ROBINSON & KELLAR
ATTORNEYS AT LAW
3434 TRUXTUN AVENUE, SUITE 150
BAKERSFIELD, CALIFORNIA 93301
TELEPHONE (661) 323-8277
FAX (661) 323-4205

MICHAEL C. KELLAR SBN: 80251

Attorneys for Defendant, DEPUTY AARON NADAL (public employee - fee exempt)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID LEE TURNER, JR, as Successor)	Case No. 1:11-CV-01366-AWI-SKO
in Interest to DAVID LEE TURNER, SR,)	
deceased, ALFONSO TURNER, AHMAD)	STIPULATION TO DISMISS ALL CLAIMS
TURNER, WHITTNEY TURNER,)	AGAINST DEFENDANT DEPUTY
JALISA TURNER, TIFFANY TURNER,)	AARON NADAL; ORDER
NACOLE TURNER, DESMOND)	
TURNER,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
COUNTY OF KERN, a municipal)	
corporation; DEPUTY WESLEY KRAFT,)	
an individual; DEPUTY AARON NADAL,)	
an individual; DONNY YOUNGBLOOD,)	
an individual, and DOES 1 through 10,)	
inclusive,)	
)	
Defendants.)	
_____)	

RECITALS

WHEREAS, the plaintiffs filed the First Amended Complaint in the above-entitled action on October 28, 2011; and

WHEREAS, DEPUTY AARON NADAL was named as a Defendant in the First Amended Complaint; and,

WHEREAS this action came on regularly for Trial on February 25, 2014, in Courtroom 2, of the above-entitled Court, the Honorable Anthony Ishii, Judge presiding. Plaintiffs, DAVID LEE TURNER, JR., ALFONSO TURNER, AHMAD TURNER, WHITTNEY TURNER, JALISA TURNER, TIFFANY TURNER, NICOLE TURNER, and DESMOND TURNER, appearing by Brian T. Dunn and Gerson S. Horn; Defendant DEPUTY WESLEY KRAFT, appearing by Deputy County Counsel Marshall S. Fontes; and Defendant DEPUTY AARON NADAL appearing by attorney Michael C. Kellar; and,

WHEREAS, a jury of eight persons was impaneled and sworn in at the Trial. Witnesses were sworn and testified. After hearing the evidence and arguments of the parties and counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on special issues. The jury then deliberated and on March 6, 2014, returned into Court with their verdict consisting of unanimous answers to some of the special issues submitted to the jury and the answer given thereto by the jury, which said verdict was in words and figures as follows, to wit:

SPECIAL VERDICT

We, the jury in the above-entitled action, answer the questions submitted to us as follows:

I. Section 1983 - Fourth Amendment - Unreasonable Seizure

1. Did Deputy Wesley Kraft intentionally and unreasonably seize David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES _____

NO X

2. Did Deputy Aaron Nadal intentionally and unreasonably seize David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES ____

NO X

II. Section 1983 - Fourth Amendment - Unreasonable Search

3. Did Deputy Wesley Kraft intentionally and unreasonably search David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES ____

NO X

III. Section 1983 - Fourth Amendment - Excessive Force - Non-Shooting Conduct

4. Did Deputy Wesley Kraft use excessive force against David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES ____

NO X

5. Did Deputy Aaron Nadal use excessive force against David Turner, Sr., in violation of the Fourth Amendment, prior to the shooting?

YES ____

NO X

NOW THEREFORE COME THE PARTIES, through their respective counsel, and do hereby stipulate pursuant to Federal Rules of Civil Procedure, Rule 41(a)(A)(ii), that all claims alleged by Plaintiffs in the First Amended Complaint against Defendant DEPUTY AARON NADAL, shall be dismissed, with prejudice.

Defendant DEPUTY AARON NADAL agrees to waive any costs that were incurred by him or on his behalf in connection with the defense of this lawsuit.

Date: April ____, 2014

THE COCHRAN FIRM – CALIFORNIA

By

BRIAN T. DUNN

Attorneys for Plaintiffs

DAVID LEE TURNER, JR.,
ALFONSO TURNER, AHMAD
TURNER, WHITTNEY TURNER,
JALISA TURNER, TIFFANY
TURNER, NICOLE TURNER, and
DESMOND TURNER

Date: April ____, 2014

OFFICE OF THE COUNTY COUNSEL,
COUNTY OF KERN

By

S. MARSHALL FONTES
Attorneys for Defendants,
COUNTY OF KERN
DEPUTY WESLEY KRAFT

Date: April ____, 2014

ROBINSON & KELLAR

By

MICHAEL C. KELLAR
Attorneys for Defendant,
DEPUTY AARON NADAL

ORDER

The parties having stipulated, and good cause appearing, the Court ORDERS:

The stipulation to dismiss all claims against defendant Deputy Aaron Nadal is
GRANTED.

IT IS SO ORDERED.

Dated: May 2, 2014



SENIOR DISTRICT JUDGE