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8 **United States District Court**
9 **Central District of California**
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11 RODNEY HERACHIO DIXON,
12 Plaintiff,

13 v.

14 NPG MUSIC PUBLISHING, LLC; NPG
15 RECORDS, INC.; THE ESTATE OF
16 PRINCE ROGERS NELSON; and DOES
17 1–10,
18 Defendants.
19

Case № 5:17-cv-00363-ODW (DTB)

**ORDER DISMISSING THE ESTATE
OF PRINCE ROGERS NELSON AS
A DEFENDANT AND DENYING AS
MOOT REQUEST FOR ENTRY OF
DEFAULT AGAINST THE ESTATE
[21]**

20 Defendant filed this lawsuit on February 24, 2017, naming The Estate of Prince
21 Rogers Nelson (“The Estate”) as a Defendant. (ECF No. 1.) In California, a trust is
22 not a legal entity and has no capacity to sue or be sued. *Green v. Cent. Mortg. Co.*,
23 148 F. Supp. 3d 852, 864 (N.D. Cal. 2015) (citing *Jordan v. Paul Fin., LLC*, 644 F.
24 Supp. 2d 1156, 1172 (N.D. Cal. 2009)); *Blue Ridge Ins. Co. v. Stanewich*, 142 F.3d
25 1145, 1150 (9th Cir. 1998); *Greenspan v. LADT, LLC*, 191 Cal. App. 4th 486, 522
26 (2010) (“A trust . . . is simply a collection of assets and liabilities. As such, it has no
27 capacity to sue or be sued, or to defend an action.”) Therefore, the Court sua sponte
28 **DISMISSES** The Estate as a Defendant. Because the Court dismisses The Estate as a

1 Defendant, it **DENIES** Plaintiff's pending request for entry of default against the
2 Estate (ECF No. 21) as **MOOT**. To sue the Estate, Plaintiff must sue the
3 administrator, executor, or trustee of the estate in its representative capacity and
4 properly serve that entity.¹

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6 **IT IS SO ORDERED.**

7 April 4, 2017

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10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**
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28 ¹ Defendants NPG Music Publishing, LLC and NPG Records Inc. have identified Comerica Bank and Trust, N.A. as The Estate's representative. (See ECF No. 19.)