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# United States District Court

## Central District of California

RODNEY HERACHIO DIXON,  
Plaintiff,

v.  
NPG MUSIC PUBLISHING, LLC; NPG  
RECORDS, INC.; THE ESTATE OF  
PRINCE ROGERS NELSON; and DOES  
1–10,

Defendants.

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]**

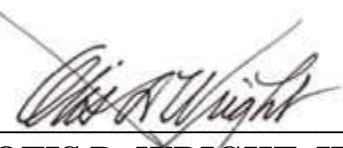
Defendant filed this lawsuit on February 24, 2017, naming The Estate of Prince Rogers Nelson (“The Estate”) as a Defendant. (ECF No. 1.) In California, a trust is not a legal entity and has no capacity to sue or be sued. *Green v. Cent. Mortg. Co.*, 148 F. Supp. 3d 852, 864 (N.D. Cal. 2015) (citing *Jordan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

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6 **IT IS SO ORDERED.**

7 April 4, 2017

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11 **OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**

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28 <sup>1</sup> 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.)