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19 UNITED STATES DISTRICT COURT

20 EASTERN DISTRICT OF CALIFORNIA / FRESNO DIVISION

21 ABARCA, RAUL VALENCIA, et al.      )      Case No. 1:07-CV-0388 OWW DLB  
22 Plaintiffs,                                    )  
23    )  
24    )  
25 MERCK & CO., INC., et al.,              )  
26 Defendants.                                    )  
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PETITION AND ORDER FOR APPOINTMENT OF  
GUARDIANS AD LITEM (FOR MINORS 14 YEARS AND OLDER)

1 Petitioners state as follows:

2 1. This Petition is submitted pursuant to Federal Rules of Civil Procedure 17(c) and  
3 Eastern Local Rule 17-202, for purposes of establishing a Guardian ad Litem for the minor  
4 plaintiffs (over 14 years of age) identified in the attachments to this Petition.

5 2. The minors identified in the attachments to this Petition are named plaintiffs in the  
6 above-captioned matter arising out of Clean Water Act and RCRA violations; soil and water  
7 contamination; and flooding events in April of 2006. The damages sought in this action by  
8 plaintiffs in this action, including the minor plaintiffs, include, but are not limited to personal  
9 injuries and emotional distress damages arising out of the flooding event in April of 2006, as  
10 identified in plaintiffs' Fifth Amended Complaint. Further, damages will be sought for past and  
11 continuing exposure to soil, groundwater and airborne contaminants from the April 2006 flooding  
12 event and from the past and continuing exposure to contaminants as a result of defendants'  
13 conduct.

14 3. Each of the minors identified in the documents attached to this Petition have no  
15 general guardian and no previous Petition for appointment of Guardian ad Litem has been filed in  
16 this matter as to those minors.

17 4. Petitioners as identified in the attachments to this Petition are competent and  
18 responsible persons, fully competent to act as Guardians ad Litem, for each of the minor persons  
19 identified in the attached documents.

20 5. Petitioners are willing to act as Guardians ad Litem for the minors, as demonstrated  
21 by their consent attached hereto.

22 WHEREFORE, Petitioners move this court for an order appointing them as Guardian ad  
23 Litems of the minor plaintiffs for the purpose of prosecuting the above-captioned action on their  
24 behalf.

25 Dated: February 2, 2009

MARDEROSIAN, RUNYON, CERCONE  
LEHMAN & ARMO

27 By: /s/ Michael G. Marderosian, Esq.  
28 MICHAEL G. MARDEROSIAN,  
Attorney for Petitioners and Minors

## ORDER

The Petition for an order appointing Petitioners as Guardian ad Litem for the minors (over 14 years of age) identified in the attached Consent to Act as Guardian ad Litem is GRANTED.

This order appointing the Guardians ad Litem as identified in the attached documents, is hereby deemed an amendment to plaintiffs' Fifth Amended Complaint for purposes of identifying minor plaintiffs and their Guardian ad Litem. No further amendment of the Complaint is required.

IT IS SO ORDERED.

Dated: January 30, 2009

/s/ OLIVER W. WANGER  
OLIVER WANGER  
United States District Judge