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Attorneys for: Plaintiffs

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA / FRESNO DIVISION

22 **ABARCA, RAUL VALENCIA, et al.,**)
 Plaintiffs,)
 23)
 v.)
 24)
 25 **MERCK & CO., INC., et al.,**)
 Defendants.)
 26)

Case No. 1:07-CV-0388 OWW DLB

PETITION AND ORDER FOR APPOINTMENT OF GUARDIANS AD LITEM (FOR MINORS UNDER 14)

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 plaintiffs
4 (under 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 by plaintiffs in this action,
8 including the minor plaintiffs, include, but are not limited to personal injuries and emotional distress
9 damages arising out of the flooding event in April of 2006, as identified in plaintiffs' Eighth Amended
10 Complaint. Further, personal injury damages will be sought for past and continuing exposure to soil,
11 groundwater and airborne contaminants from the April 2006 flooding event and from the past and
12 continuing exposure to contaminants as a result of defendants' conduct.

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

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

19 5. Petitioners are willing to act as Guardians ad Litem for the minors and/or incompetent
20 persons, as demonstrated by their consent attached hereto.

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

23 Dated: March 30, 2010

MARDEROSIAN, RUNYON,
CERCONE & LEHMAN

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

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ORDER

The Petition for an order appointing Petitioners as Guardians ad Litem for the minor persons (under the age of 14) 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' Eighth 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: April 2, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

ATTACHMENTS TO PETITION
(For Minors Under 14)

CONSENT TO ACT AS GUARDIAN AD LITEM
(For Minors Under 14)

Pursuant to the attached Petition filed in the matter of *Abarca, et al. v. Merck & Co., et al.*, United States Eastern District Case No. 1:07-CV-00388-OWW-DLB, I consent to the appointment of myself as Guardian ad Litem for the minor plaintiffs identified below.

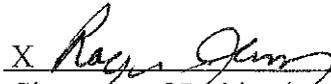
Roger Lee Janz
Name of Minor

10/11/96
(Date of Birth) of Minor

Steven Roger Janz
Name of Petitioner

Father/Parent
Petitioner's Relationship to Minor

Dated: 10/22/09

X 
Signature of Petitioner

CONSENT TO ACT AS GUARDIAN AD LITEM
(For Minors Under 14)

Pursuant to the attached Petition filed in the matter of *Abarca, et al. v. Merck & Co., et al.*, United States Eastern District Case No. 1:07-CV-00388-OWW-DLB, I consent to the appointment of myself as Guardian ad Litem for the minor plaintiffs identified below.

Robert Earl Williams, Jr.
Name of Minor

05/29/98
(Date of Birth) of Minor

Marian Oletha Kappia
Name of Petitioner

Mother/Parent
Petitioner's Relationship to Minor

Dated: 3-21-10

X Marion Kappia
Signature of Petitioner