

1 **II. Discussion and Analysis**

2 Here, the child is 14 years old. (Doc. 106 at 1) Thus, under California law, she is a minor. *See*
3 Cal. Fam. Code § 6502. As a minor, her ability to pursue this action is contingent upon the
4 appointment of a guardian ad litem. In determining whether to appoint a particular guardian ad litem,
5 the court must consider whether the child and the guardian have divergent interests. Cal. Code Civ. P.
6 § 372(b)(1). “When there is a potential conflict between a perceived parental responsibility and an
7 obligation to assist the court in achieving a just and speedy determination of the action, a court has the
8 right to select a guardian ad litem who is not a parent if that guardian would best protect the child’s
9 interests.” *Williams v. Super. Ct.*, 147 Cal. App. 4th 36, 38 (Cal. Ct. App. 4th 2007) (internal quotation
10 marks and citation omitted). “[I]f the parent has an actual or potential conflict of interest with his child,
11 the parent has no right to control or influence the child’s litigation.” *Id.* at 50.

12 Here, the arises out of claims of deprivation of constitutional rights suffered by the child’s
13 father, who is now deceased. *See Burke v. Smith*, 252 F.3d 1260, 1264 (11th Cir. 2001) (“Generally,
14 when a minor is represented by a parent who is a party to the lawsuit and who has the same interests as
15 the child there is no inherent conflict of interest.”); *see also Anthem Life Ins. Co. v. Olguin*, 2007 U.S.
16 Dist. LEXIS 37669, at *7 (E.D. Cal. May 9, 2007) (observing that “[a] parent is generally appointed
17 guardian ad litem”). The proposed guardian ad litem is not a party to this case and has no claims on it.
18 Thus, it does not appear there are adverse interests between the child and her proposed guardian ad
19 litem.

20 **III. Conclusion and Order**

21 The decision whether to appoint a guardian ad litem is “normally left to the sound discretion of
22 the trial court.” *United States v. 30.64 Acres of Land, etc.*, 795 F.2d 796, 804 (9th Cir. 1986). Here, it
23 does not appear the proposed guardian has conflicting interests, and as such she may be appointed to
24 represent the interests of the child. Therefore, the Court **ORDERS**:

- 25 1. The motions for appointment of Jessica Lynne Bergreen as guardian ad litem for
26 Prissilla Anamarie Sanchez (Doc. 106) is **GRANTED**;

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2. Jessica Lynne Bergreen is appointed to act as guardian ad litem for Prissilla Anamarie Sanchez and is authorized to prosecute this action on her behalf.

IT IS SO ORDERED.

Dated: March 11, 2016

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE