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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

A.A. and L.A., on their own behalf and  
on behalf of A.A., Jr.,

Plaintiffs,

v.

CLOVIS UNIFIED SCHOOL  
DISTRICT, CLOVIS SELPA, MARY  
BASS, in her personal and official  
capacities as SELPA  
ADMINISTRATOR and DIRECTOR OF  
SPECIAL EDUCATION for CLOVIS  
USD,

Defendants.

Case No. 1:13-cv-01043-AWI-MJS  
  
SECOND ORDER REQUIRING  
SUPPLEMENTAL BRIEFING FROM  
PLAINTIFFS **AND** DEFENDANTS  
  
TEN (10) DAY DEADLINE

On August 7, 2017, Plaintiffs A.A. and L.A. filed a petition for the court to approve a mediated settlement agreement on behalf of minor Plaintiff, A.A., Jr., and to have A.A. and L.A. appointed as guardians ad litem for A.A., Jr., to the extent the Court determines doing so is necessary for purposes of approving the Mediated Settlement Agreement. (ECF No. 105.) Filed under seal in support of the petition is the joint affidavit of A.A. and

1 L.A., as well as a copy of the Mediated Settlement Agreement and Release of Claims.  
2 (ECF Nos. 106, 107.)

3 The Court reviewed the petition and, on September 29, 2017, ordered the  
4 plaintiffs to provide supplemental briefing. (ECF No. 108.) They did so on October 13,  
5 2017, by filing a document titled "Supplemental Petition," which also is referred to as an  
6 "Amended Petition." (ECF No. 109.)

7 Upon review of Plaintiff's submissions, it appears that Plaintiff A.A., Jr. turned  
8 eighteen on September 1, 2017. (ECF No. 109.) Thus, he is no longer a minor under  
9 California law. Cal. Fam. Code § 6502(a)(2). It therefore is unclear whether the petition  
10 for approval of the mediated settlement agreement is moot, or whether the Court  
11 maintains any authority to approve the settlement on Plaintiff's behalf. See Fed. R. Civ.  
12 P. 17(c)(2) (court must approve settlement on behalf of a minor or incompetent person);  
13 Fed. R. Civ. P. 17(b) (providing that an individual's capacity to sue is determined "by the  
14 law of the individual's domicile").

15 Based on the foregoing, both Plaintiffs and Defendants are HEREBY ORDERED  
16 to provide supplemental briefing within ten days regarding the Court's authority, if any, to  
17 address the petition.

18  
19 IT IS SO ORDERED.

20 Dated: November 20, 2017

/s/ Michael J. Seng  
21 UNITED STATES MAGISTRATE JUDGE  
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