

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

(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.

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19 IT IS SO ORDERED.

20 Dated: November 20, 2017

21 /s/ Michael J. Leng
22 UNITED STATES MAGISTRATE JUDGE
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