

1 Daniel Rodriguez, Esq., SBN 096625
Joel T. Andreesen, Esq., SBN 152254
2 Joseph Whittington, Esq., SBN 295516
3 **RODRIGUEZ & ASSOCIATES**
4 **A Professional Law Corporation**
2020 Eye Street
5 Bakersfield, CA 93301
Phone: (661) 323-1400 Fax: (661) 323-0132
6

7 Attorneys for Plaintiff M.M., a minor,
though her guardian, David Evankovich
8

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11) **Case No.: 1:16-cv-00376-JLT**
12 M.M., a minor, by and through her guardian)
DAVID EVANKOVICH,) **PETITION FOR ORDER**
13) **TERMINATING DAVID**
14 Plaintiff,) **EVANKOVICH AS GUARDIAN AD**
15 vs.) **LITEM FOR PLAINTIFF M.M.;**
) **[PROPOSED] ORDER**
16 COUNTY OF KERN; KERN COUNTY) **(Doc. 46)**
SHERIFF'S DEPARTMENT; SCOTT)
17 WALL; DANIEL WILLIS; DENNIS)
COFFEE; and DOES 1 through 100,)
18 Inclusive,)
)
19 Defendants.)
20)

-
- 21
- 22 1. Petitioner is: Plaintiff M.M., the Plaintiff in the above titled action.
 - 23
 - 24 2. Plaintiff, M.M. was born on March 21, 1999.
 - 25
 - 26

1 3. Petitioner's current Guardian ad Litem, DAVID EVANKOVICH, was
2 appointed as Guardian ad Litem for Plaintiff M.M. by Order of this Court dated March 28,
3 2016.

4
5 4. At the time the Complaint was filed in this action, Plaintiff M.M. was a minor.
6 Thus, it was necessary to have a Guardian ad Litem appointed in order to initiate the
7 lawsuit and protect her rights and interests in this matter.

8
9 5. Plaintiff M.M. is no longer a minor. Plaintiff M.M. is now a competent adult,
10 is able to manage her own affairs, understands and appreciates the rights, duties,
11 responsibilities, and probable consequences that accompany her decisions, and therefore,
12 no longer requires a Guardian ad Litem to protect her rights and interests in this matter.

13 6. THEREFORE: Petitioner, M.M. a Plaintiff herein, request that the Court
14 discharge DAVID EVANKOVICH as Guardian ad Litem for Plaintiff M.M. from any and
15 all obligations and responsibilities for the progress and prosecution of this action and
16 terminate the duty and authority of such guardian ad litem to represent petitioner in this
17 action.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Dated: February 6, 2018

RODRIGUEZ & ASSOCIATES

21
22 By: JOSEPH WHITTINGTON /S/
23 JOSEPH WHITTINGTON
24 Attorneys for Plaintiff
25
26

1 **[PROPOSED] ORDER**

2

3 1. Having considered the verified petition of M.M. in this action for an order

4 terminating the appointment of DAVID EVANKOVICH as guardian ad litem in this

5 action, and as it appears that M.M. petitioner, is now 18 years of age, and good cause

6 appearing:

7

8 IT IS SO ORDERED that DAVID EVANKOVICH is discharged from any further duty,

9 liability and/or responsibility or obligations as guardian ad litem for plaintiff in this action,

10 and that such duty and authority of such guardian ad litem is hereby terminated

11

12 IT IS SO ORDERED.

13 Dated: February 8, 2018

14 /s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE

16

17

18

19

20

21

22

23

24

25

26