

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIA VENTURA, individually and on
behalf of the ESTATE OF OMAR
VENTURA,

No. 1:17-cv-00237-DAD-SKO

Plaintiff,

V.

OFFICER JENNIFER RUTLEDGE;
UNKNOWN POLICE OFFICERS; and
CITY OF PORTERVILLE,
CALIFORNIA.

Defendants.

ORDER GRANTING LEAVE TO FILE
SECOND AMENDED COMPLAINT AND
APPOINTING GUARDIAN AD LITEM

(Doc. Nos. 14, 15)

On October 3, 2017, the parties in this action filed a stipulation to grant plaintiffs leave to file a second amended complaint to add two additional plaintiffs, the children and heirs of the decedent, Omar Ventura: O.V. and J.V. (Doc. No. 14.) Plaintiffs have also separately filed a motion to appoint Maria Ventura as guardian ad litem for O.V. and J.V. (Doc. No. 15.)

“District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors.” *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). Rule 17 provides that “[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2). Local Rule 202(a) of this court further states, in pertinent

1 part:

2 Upon commencement of an action or upon initial appearance in
3 defense of an action by or on behalf of a minor . . . the attorney
4 representing the minor or incompetent person shall present . . . a
5 motion for the appointment of a guardian *ad litem* by the Court, or .
6 . . . a showing satisfactory to the Court that no such appointment is
7 necessary to ensure adequate representation of the minor or
8 incompetent person. *See Fed. R. Civ. P. 17(c).*

9 The decision to appoint a guardian ad litem “must normally be left to the sound discretion of the
10 trial court.” *United States v. 30.64 Acres of Land*, 795 F.2d 796, 804 (9th Cir. 1986).

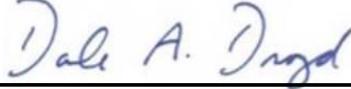
11 Maria Ventura is the paternal grandmother to the minor children, O.V. and J.V. (*Id.* at 1,
12 ¶ 2.) She is a resident of Tulare County and the surviving mother of the decedent, Omar Ventura.
13 Both O.V. and J.V. live in Tulare County with their mother, Martha Andrade who has consented
14 to the appointment of Ms. Ventura as their guardian ad litem. (*Id.* at 1–2, ¶¶ 2, 3, 5.) Ms.
15 Ventura avers that she has no interests adverse to the minors, is not a competing heir to the Estate
16 of Omar Ventura, and that it would be administratively simpler to appoint a current plaintiff as
17 the minor’s guardian ad litem than to add another party. (*Id.* at 2, ¶¶ 3–4.)

18 Accordingly, finding good cause and for the reasons set forth above, the court will:

19 1. In light of the parties’ stipulation, grant plaintiffs’ leave to file a second amended
20 complaint to add O.V. and J.V. as plaintiffs in this action in accordance with Federal
21 Rule of Civil Procedure 15(a)(2); and
22 2. Grant plaintiffs’ motion (Doc. No. 15) to appoint Maria Ventura as guardian ad litem
23 for O.V. and J.V.

24 IT IS SO ORDERED.

25 Dated: October 4, 2017

26 
27 UNITED STATES DISTRICT JUDGE

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