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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	VICTORIA GARCIA, an individual; and	No. 1:18-cv-00369-DAD-JLT
12	N.R., a minor, by and through her guardian,	
13	Plaintiffs,	ORDER APPOINTING GUARDIAN AD LITEM
14	v.	(Doc. No. 22)
15	COUNTY OF KERN; KERN COUNTY DEPARTMENT OF HUMAN SERVICES;	(Doc. No. 22)
16	KERN COUNTY SHERIFF'S OFFICE; STEPHANY ROSENOW, an individual;	
17	RALPH LOMAS, an individual; and DOES 1 through 100,	
18	Defendants.	
19	Defendants.	
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21	On June 22, 2018, David Brooks filed a petition to be appointed guardian ad litem for	
22	plaintiff N.R. for purposes of this action. (Doc. No. 22.) A hearing on the motion was held on	
23	August 7, 2018. Attorney Jomo K. Stewart appeared telephonically on behalf of plaintiffs, and	
24	attorney Kathleen Rivera appeared telephonically on behalf of defendants.	
25	"District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c),	
26	to eafequard 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

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1 in an action." Fed. R. Civ. P. 17(c)(2). Local Rule 202(a) of this court further states, in pertinent 2 part: 3 Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor . . . the attorney 4 representing the minor or incompetent person shall present . . . a motion for the appointment of a guardian ad litem by the Court, or 5 ... a showing satisfactory to the Court that no such appointment is necessary to ensure adequate representation of the minor or 6 incompetent person. See Fed. R. Civ. P. 17(c). 7 The decision to appoint a guardian ad litem "must normally be left to the sound discretion of the 8 trial court." United States v. 30.64 Acres of Land, 795 F.2d 796, 804 (9th Cir. 1986). 9 David Brooks petitions the court to appoint him as guardian ad litem to plaintiff N.R., a 10 minor born in 2011. (Doc. No. 22 at 1.) Mr. Brooks states that he is competent and responsible 11 to represent and protect the interests of plaintiff N.R. (Id. at 2.) At the hearing on this motion, 12 plaintiffs' counsel further represented that Mr. Brooks is an attorney who serves as a child 13 advocate in juvenile dependency and juvenile delinquency cases, and has previously been 14 appointed as guardian ad litem in state court. Plaintiffs' counsel also represented that Mr. Brooks 15 has no interests divergent to those of plaintiff N.R., and that N.R.'s mother and co-plaintiff in this 16 action, Victoria Garcia, has consented to Mr. Brooks' appointment. Counsel for defendants, 17 moreover, expressed no opposition to Mr. Brooks' appointment. 18 Finding good cause, the court grants the petition (Doc. No. 22) and appoints David Brooks 19 guardian ad litem of minor plaintiff N.R. 20 IT IS SO ORDERED. 21 Dated: **August 7, 2018** 22 23 24 25 26

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