



1 incompetent person may sue or defend on the incompetent person’s behalf. Fed. R. Civ. P. 17(c).  
2 This requires the Court to take whatever measures it deems appropriate to protect the interests of  
3 the individual during the litigation. United States v. 30.64 Acres of Land, More or Less, Situated  
4 in Klickitat Cty., State of Wash., 795 F.2d 796, 805 (9th Cir. 1986). The appointment of the  
5 guardian ad litem is more than a mere formality. Id. “A guardian ad litem is authorized to act on  
6 behalf of his ward and may make all appropriate decisions in the course of specific litigation.” Id.  
7 A guardian ad litem need not possess any special qualifications, but he must “be truly dedicated  
8 to the best interests of the person on whose behalf he seeks to litigate.” AT&T Mobility, LLC v.  
9 Yeager, 143 F.Supp.3d 1042, 9 (E.D. Cal. 2015). This means that the guardian ad litem cannot  
10 face an impermissible conflict of interest with the ward and courts consider the candidate’s  
11 “experience, objectivity, and expertise” or previous relationship with the ward. Id. (citations  
12 omitted).

13 “[W]hen a parent brings an action on behalf of a child, and it is evident that the interests  
14 of each are the same, no need exists for someone other than the parent to represent the child’s  
15 interests under Rule 17(c).” Gonzalez v. Reno, 86 F.Supp.2d 1167, 1185 (S.D. Fla.), aff’d sub  
16 nom. Gonzalez v. Reno, 212 F.3d 1338 (11th Cir. 2000). While a parent is generally appointed as  
17 a guardian ad litem, there are situations where the best interests of the minor and the interests of  
18 the parent conflict. Anthem Life Ins. Co. v. Olguin, No. 1:06-CV-01165 AWINEW, 2007 WL  
19 1390672, at \*2 (E.D. Cal. May 9, 2007). Therefore, a parent is not entitled as a matter of right to  
20 act as guardian ad litem for the child. Id., at \*2.

21 The Court has considered the petition of Samantha Shepherd for appointment as guardian  
22 ad litem for minors E.J. and M.J. who are plaintiffs in this action. Upon review of the petition  
23 and the complaint in this action, the Court finds that no conflict exists that would preclude  
24 Samantha Shepherd from serving as a guardian ad litem for E.J. and M.J. The Court finds that  
25 the appointment is both necessary and appropriate.

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Accordingly, IT IS HEREBY ORDERED, that Samantha Shepherd is appointed as guardian ad litem for E.J. and M.J.

IT IS SO ORDERED.

Dated: November 18, 2020

  
UNITED STATES MAGISTRATE JUDGE