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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAURA MADRID, individually and as co-
successor-in-interest to Decedent
CONRAD MADRID; MICHAEL
MADRID, individually and as co-
successor-in-interest to Decedent
CONRAD MADRID; C.M., the minor
child of Decedent CONRAD MADRID, by
and through Guardian Ad Litem
COLLEEN LUJAN,

Plaintiffs,

v.

COUNTY OF TULARE,

Defendant.

Case No. 1:24-cv-00351-BAM

**ORDER GRANTING PETITION OF
COLLEEN LUJAN FOR APPOINTMENT
AS GUARDIAN AD LITEM FOR
PLAINTIFF C.M.**

(Doc. 16)

Currently before the Court is the petition of Colleen Lujan to be appointed as guardian ad litem for Plaintiff C.M., a minor. (Doc. 16.)

Federal Rule of Civil Procedure 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). This requires a district court to take whatever measures it deems proper to protect the individual during litigation. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 805 (9th Cir. 1986). In pertinent part, Local Rule 202(a) of this Court further states:

Upon commencement of an action or upon initial appearance in defense of an action by or on behalf of a minor or incompetent person, the attorney representing the minor or incompetent person shall present . . . a motion for the appointment of a guardian ad litem by the Court, or . . . a showing satisfactory to the Court that no

1 such appointment is necessary to ensure adequate representation of the minor or
2 incompetent person.

3 See L.R. 202(a). The decision to appoint a guardian ad litem “must normally be left to the sound
4 discretion of the trial court.” *30.64 Acres*, 795 F.2d at 804. Courts have approved legal guardians
5 as guardians ad litem given their aligned interests. See *Ramirez Fonua v. City of Hayward*, No.
6 21-CV-03644 SBA, 2022 WL 36007, at *2 (N.D. Cal. Jan. 4, 2022) (appointing legal guardian
7 grandmother as guardian ad litem); *Velez v. Bakken*, No. 2:17-cv-960 WBS KJN, 2019 WL
8 358703, at *1 (E.D. Cal. Jan. 29, 2019)(granting motion to appoint guardians ad litem where each
9 “guardian ad litem is either the biological parent or the legal guardian of their respective
10 minor(s).”).

11 The Court has considered the application of Colleen Lujan for appointment as guardian ad
12 litem for Plaintiff C.M. and finds no apparent conflict that would preclude Ms. Lujan from
13 serving as guardian ad litem. The application indicates that Ms. Lujan is the legal guardian of
14 C.M. and is willing to serve as C.M.’s guardian ad litem until C.M. turns eighteen. (Doc. 16 ¶¶ 1,
15 5.) The petition further indicates that Ms. Lujan is fully competent to understand and protect the
16 rights of the minor. (*Id.* ¶ 5.) The petition also states that Ms. Lujan has no adverse interest to
17 C.M. because their interests regarding liability and damages are totally aligned, and notes that the
18 family relationships advance each other’s interests and that Ms. Lujan is best positioned as legal
19 guardian to act in C.M.’s interests. (*Id.*)

20 Accordingly, IT IS HEREBY ORDERED that Colleen Lujan is appointed in this action as
21 guardian ad litem for minor Plaintiff C.M.

22 IT IS SO ORDERED.

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24 Dated: September 23, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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