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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IGOR CHEPEL; ROOF VERA CHEPEL,
as guardian ad litem for minors, ERICK
CHEPEL, JASON CHEPEL, and
ASHLEY CHEPEL,

Plaintiffs,

No. 2:09-cv-03548 JAM KJN PS

v.

THE LAW OFFICE OF FREDERICK
S. COHEN; FREDERICK S. COHEN,
individually; MARY ROSS;
DR. LARRY NICHOLAS; and DOES 1
through 20,

Defendants.

FINDINGS AND RECOMMENDATION

_____ /
In an order filed March 12, 2010, the court determined that plaintiff Roof Vera
Chepel could not represent the three minor plaintiffs in this action as a guardian ad litem because
“a parent or guardian cannot bring an action on behalf of a minor child without retaining a
lawyer.” Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997); accord Lin v.
Ashcroft, 377 F.3d 1014, 1025 (9th Cir. 2004). (Dkt. No. 4.) Thus, the court granted plaintiffs
30 days from the date of that order to retain legal representation for the minor plaintiffs, Erick
Chepel, Jason Chepel, and Ashley Chepel. The court cautioned plaintiffs that failure to retain a

1 licensed attorney to represent the minor plaintiffs would result in a recommendation that the
2 minor plaintiffs and plaintiff Roof Vera Chepel, as guardian ad litem, be dismissed from the
3 action without prejudice.

4 The court's docket reflects that no licensed attorney has entered an appearance on
5 behalf of minor plaintiffs Erick Chepel, Jason Chepel, and Ashley Chepel in this action.

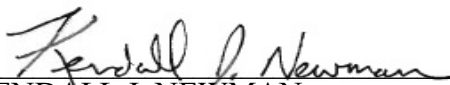
6 Accordingly, it is HEREBY RECOMMENDED that:

7 1. Minor plaintiffs Erick Chepel, Jason Chepel, and Ashley Chepel be
8 dismissed from this action without prejudice; and

9 2. Plaintiff Roof Vera Chepel, as guardian ad litem for the three minor
10 plaintiffs, be dismissed from this action without prejudice.

11 These findings and recommendations are submitted to the United States District
12 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen
13 days after being served with these findings and recommendations, any party may file written
14 objections with the court and serve a copy on all parties. Such a document should be captioned
15 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
16 within the specified time may waive the right to appeal the District Court's order. Turner v.
17 Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir.
18 1991).

19 DATED: April 19, 2010

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE
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