

1 **KEVIN and LYNDI MARCHESE**
 [Kevin Marchese, State Bar No. 148931]
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5 Plaintiffs Parents/Pro Se, and as
 Guardian ad Litem for Minor Plaintiff, Grayson M.
 6 Kevin Marchese, Attorney for Grayson M.

7
 8 **IN AND FOR THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

11 G. M., a minor, by and through his)
 Guardian ad Litem, KEVIN MARCHESE,)
 12 an individual, and LYNDI MARCHESE,)
 an individual,)
 13 Plaintiffs,)
 14 vs.)
 15 DRYCREEK JOINT ELEMENTARY)
 16 SCHOOL DISTRICT; CALIFORNIA)
 DEPARTMENT OF EDUCATION; and)
 17 JACK O'CONNELL, in his official capacity)
 as STATE SUPERINTENDENT OF)
 18 PUBLIC INSTRUCTION FOR THE)
 STATE OF CALIFORNIA,)
 19 Defendants.)
 20

CASE NO. 2:10-cv-00944 GEB
 GGH
 AMENDED
 EX-PARTE MOTION TO
 APPOINT PARENTS AS
 GUARDIANS AD LITEM OF
 MINOR CHILD, AND FOR
 PLAINTIFFS IN PRO SE TO
 BE ALLOWED TO FILE
 ELECTRONICALLY;
 [PROPOSED] ORDER

21
 22 Kevin and Lyndi Marchese, Parents of minor and applicants herein, make request
 23 to the Court to be appointed as the Guardians as Litem for their minor son, G. M. G. M.
 24 is a minor, date of birth 4/24/1996, and has causes of action against Defendants on which
 25 suit is brought for De-Novo/Review of Administrative Due Process (14 U.S.C. § 1400, et
 26 seq.) And Section 504 of the Rehabilitation Act of 1973.

27 The appointment of the Guardians ad Litem is necessary because G. M. has been
 28 aggrieved by the administrative hearing process, along with his Parents, and is the

1 aggrieved party of other claims and causes whose interests must be advanced pursuant to
2 F.R.C.P. 38, and Local Rule 200.

3 Parents/applicants further request that they be allowed to participate in the
4 CM/ECF system and file documents electronically during the pendency of this action.
5 Parents are Pro Se litigants who have brought action individually and on behalf of their
6 minor child for IDEA due process and Section 504/Rehabilitation Act 1973 claims, which
7 claims parents are permitted to bring actions in their own right and on behalf of their
8 child. Parents operate as a team with respect to this due process de-novo/review and
9 claims. Father of minor is a attorney licensed to practice in this Court (SBN 148931), and
10 will represent minor as attorney of record pursuant to J.R. v. Sylvan Union School
11 District, 2008 U.S. Dist. Lexis 18168 (Eastern Dist. Calif., March 10, 2008).

12
13 Dated: May 19, 2010

Respectfully submitted,

14 /s/ Kevin Marchese
15 KEVIN MARCHESE

16 /s/ Lyndi Marchese
17 LYNDI MARCHESE

1 **ORDER**

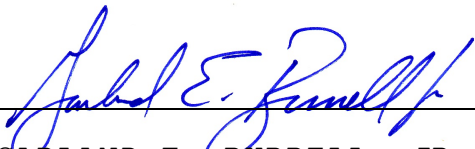
2 Plaintiffs Kevin Marchese and Lyndi Marchese seek to be appointed as Guardians
3 ad Litem for their son, Plaintiff G. M. **Plaintiffs Kevin Marchese and Lyndi Marchese**
4 **continue to disregard Federal Rule of Civil Procedure 5.2(a)(3) and Local Rule**
5 **140(a)(i), which require that only a minor plaintiff's initials be used in any**
6 **electronic or paper filing.** These Plaintiffs also disregarded the Order filed on May 7,
7 2010 in which they were told: "All future filings in this case shall comply with these
8 rules. The caption of this case is amended as reflected above, by only referring to the
9 minor by his initials." Plaintiffs Kevin Marchese and Lyndi Marchese are warned that
10 failure to comply with a court order could result in a filing being stricken, and/ or
11 sanctions.

12 IT IS HEREBY ORDERED that Kevin and Lyndi Marchese are appointed as
13 Guardian ad Litem for G. M.

14 FURTHER Kevin Marchese, represents that he is admitted to practice before this
15 Court, and states he is attorney of record for minor G.M.

16 Lastly, the Clerk of Court shall use the initials G.M. for the minor on the civil
17 docket and shall discontinue using the minor's first name. See Federal Rule of Civil
18 Procedure 5.2(a)(3) and Local Rule 140(a)(i).

19 Dated: May 19, 2010

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21 
22 GARLAND E. BURRELL, JR.
23 United States District Judge
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