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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REBECCA WILSON (by and through
Heatherlyn Bevard as Guardian ad Litem),

Plaintiff,

v.

CITY OF WEST SACRAMENTO;
SERGIO ALVAREZ; West Sacramento
Police Department Chief DAN
DRUMMOND and DOES 1 through 30,
inclusive,

Defendants.

No. 2:13-cv-02550 WBS AC

ORDER

This matter has now been referred to the undersigned to consider plaintiff’s desire to proceed without a guardian ad litem. ECF No. 54.

I. PROCEDURAL HISTORY

Plaintiff, an adult represented by counsel, Stewart Katz, Esq., filed her federal civil rights complaint on December 9, 2013. Plaintiff had previously been found to be mentally “incompetent” within the meaning of Cal. Penal Code § 1367, on May 13, 2013, by the California Superior Court. See Superior Court Order of Commitment (ECF No. 1, Exh. 1) at 19-22. Accordingly, plaintiff appended to her complaint a petition to have her mother, Heatherlyn Bevard, appointed to be her Guardian ad Litem. ECF No. 1, Exh. 1. The petition was granted on

1 January 15, 2014. ECF No. 10.

2 A Settlement Conference was held on May 8, 2015 before Hon. Carolyn K. Delaney, at
3 which time the case was reported to have settled, and dispositional documents were ordered to be
4 submitted for the court's approval. See ECF No. 50. However, plaintiff has now expressed a
5 desire to proceed without a Guardian ad Litem, and the court accordingly declined to approve the
6 settlement. See ECF No. 54.

7 II. STATUS CONFERENCE

8 In order to consider the matter, the court will conduct a Status Conference on August 26,
9 2015, to consider how to proceed. Accordingly, IT IS HEREBY ORDERED THAT:

10 1. A Status Conference is now SCHEDULED for Wednesday, August 26, 2015, at 10:00
11 a.m. before the undersigned, in Courtroom 26 (8th Floor).

12 a. Plaintiff's counsel, plaintiff herself, and the Guardian ad Litem must each
13 personally appear at the Status Conference.

14 b. Counsel for defendants shall also attend, but with the understanding that some
15 portion of this conference may be conducted *ex parte* in order to protect the attorney-client
16 confidences of plaintiff and/or the Guardian ad Litem.

17 2. Plaintiff's counsel shall file a status report with the court, addressing the following
18 matters: (a) the standards that govern appointment of a guardian ad litem under Cal. Civ. Proc.
19 Code § 372(a) or other applicable law; (b) the appropriate procedure for determining whether
20 appointment of the Guardian ad Litem should be revoked; and (c) the status of plaintiff's criminal
21 cases referenced at ECF No. 1, pp. 19-22, including any subsequent findings regarding
22 competency. Additional information regarding plaintiff's present competency, if any, may be
23 submitted confidentially via email to acorders@caed.uscourts.gov. If such a confidential
24 statement is submitted, counsel shall file a Notice of Submission of Confidential Information re
25 Competency. The status report and any confidential information shall be filed no later than
26 August 24, 2015 at 4:30 p.m.


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3. No other status reports need be filed by any person or party in advance of this Status Conference.

DATED: August 11, 2015



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE