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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIMOTHY DEMARTINI, et al.,
Plaintiffs,
v.
MICHAEL DEMARTINI, et al.,
Defendants.

No. 2:14-cv-2722 JAM CKD PS

ORDER

Calendared for hearing on March 22, 2017 is plaintiffs’ motion to amend the complaint. Plaintiffs seek leave to add as parties defendant the trustees of the testamentary trust under the will of James P. DeMartini. The motion was not served on the proposed additional defendants. In addition, the court notes that a trustee may not proceed pro se on behalf of a trust. See Simon v. Harford Life, Inc., 546 F.3d 661, 664 (9th Cir. 2008). The court will therefore continue hearing on the motion so as to allow the motion to be served on the proposed additional defendants and to afford defendants an opportunity to secure counsel and file a response to the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. No later than March 8, 2017, plaintiffs shall serve a copy of the motion and supporting documents on the proposed additional defendant trustees and shall file a proof of service.

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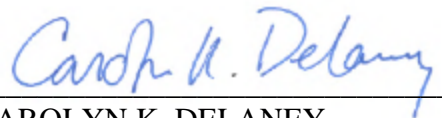
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2. Opposition, if any, to the motion shall be filed no later than March 22, 2017. Reply, if any, shall be filed no later than March 29, 2017.

3. Defendant trustees shall not be permitted to proceed pro se.

4. Hearing on the motion to amend is continued to April 19, 2017 at 10:00 a.m. in courtroom no. 24.

Dated: March 1, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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