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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

RYAN D. BASQUE, et al.,

Plaintiffs,

vs.

COUNTY OF PLACER, et al.,

Defendants.

Case No. 2:16-cv-02760-KJN

**PLAINTIFF RYAN D. BASQUE’S
UNOPPOSED REQUEST FOR
APPOINTMENT OF *GUARDIAN AD LITEM*
FOR NON-PARTY MINORS S.B. AND E.B.;
ORDER THEREON**

I. INTRODUCTION

Plaintiff Ryan D. Basque requests the Court’s appointment as the *guardian ad litem* for non-party minors S.B. and E.B.

II. STATEMENT OF RELEVANT FACTS

Plaintiff Ryan D. Basque (“Ryan”)¹ is the father of non-party minors, S.B. and E.B. Declaration of Ryan D. Basque (“Ryan Decl.”), ¶¶2-3.

S.B. and E.B. potentially have claims against Defendants in this action which could be brought through this action and in this Court. Ryan Decl., ¶5. Those claims, if asserted, would arise out of the same conduct which gave rise to Plaintiffs’ individual claims. *Id.*; *see also* ECF No. 29-3 at 4 & 29-4 [taser video at 00:08-00:15, wherein S.B. and E.B. appear during subject incident].

¹ The two Plaintiffs to this action, Plaintiff Ryan D. Basque and Denise M. Basque (collectively, “Plaintiffs”), share a common surname. For clarity, Plaintiffs are referred to by their first names.

1 The parties to this action have reached agreement on the terms of a proposed settlement. *See* ECF
2 No. 32. Terms of the settlement are inclusive of the claims of S.B. and E.B. Ryan Decl., ¶6. Because the
3 settlement seeks to resolve claims of minors, special procedures will apply. *See* Fed. R. Civ. P. 17(c) &
4 E.D. Cal. L.R. 202.

5 Therefore, Plaintiff Ryan requests the Court’s appointment as the *guardian ad litem* for his minor
6 children, S.B. and E.B., in order to represent their interests in this action, notwithstanding that S.B. and
7 E.B. are currently non-parties to this action.

8 **III. REQUEST FOR APPOINTMENT**

9 “A minor ... who does not have a duly appointed representative may sue by a next friend or by a
10 guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to
11 protect a minor ... who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2); E.D. Cal. L.R. 202(a)
12 (“Appointment of Representative or Guardian”); *see also* Cal. Code Civ. Proc. § 372(a)(1) (“A guardian
13 ad litem may be appointed in any case when it is deemed by the court in which the action or proceeding
14 is prosecuted, or by a judge thereof, expedient to appoint a guardian ad litem to represent the minor...”).

15 “A court has broad discretion in ruling on a guardian ad litem application.” *Williams v. Superior*
16 *Court*, 147 Cal. App. 4th 36, 47, 54 Cal. Rptr. 3d 13 (2007). When there is no conflict of interest, the
17 guardian ad litem appointment is usually made on *ex parte* application and involves minimal exercise of
18 discretion by the trial court. *In re Marriage of Caballero*, 27 Cal. App. 4th 1139, 1149, 33 Cal. Rptr. 2d
19 46 (1994).

20 Though not yet parties to this action, because S.B. and E.B. potentially have claims that could be
21 asserted in this action and which the parties seek to resolve through settlement, *see* Basque Decl., ¶¶5-6,
22 Plaintiff Ryan requests the Court’s appointment as *guardian ad litem* for S.B. and E.B. in this action, for
23 the purpose of pursuing and settling their potential claims. Plaintiff Ryan is aware of no conflict of
24 interest and, if so appointed, will protection of the minors’ interest in this litigation. *See* Basque Decl.,
25 ¶7.

26 This request for appointment as *guardian ad litem* is unopposed by Defendants.

27 **IV. CONCLUSION**

28 Plaintiff Ryan D. Basque respectfully requests the Court’s appointment as the *guardian ad litem*

1 for non-party minors S.B. and E.B.

2 Dated: July 25, 2017

Respectfully Submitted,

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5 By: _____

6 Mark E. Merin

Paul H. Masuhara

LAW OFFICE OF MARK E. MERIN

7 Attorneys for Plaintiffs


8 RYAN D. BASQUE and DENISE M. BASQUE

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16 **ORDER**

17 Pursuant to Fed. R. Civ. P. 17(c)(2) and E.D. Cal. L.R. 202(a), the Court hereby GRANTS
18 Plaintiff Ryan D. Basque's request for appointment as the *guardian ad litem* for non-party minors S.B.
19 and E.B. The Court finds that this appointment is in S.B. and E.B.'s best interests. Accordingly, the
20 Court hereby appoints Plaintiff Ryan D. Basque as *guardian ad litem* for S.B. and E.B., for the purpose
21 of this action.

22 IT IS SO ORDERED.

23 Dated: July 26, 2017

24 
25 KENDALL J. NEWMAN
26 UNITED STATES MAGISTRATE JUDGE