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

ESTATE OF RICARDO ESCOBEDO ET AL,

No. C03-03204 MJJ

Plaintiff,

**ORDER RE SUPPLEMENTAL
BRIEFING**

v.

CITY OF REDWOOD CITY ET AL,

Defendant.

In preparation for oral argument on the parties' respective objections to the Report and Recommendation, the Court directs the parties to file briefs, not exceeding five pages, discussing *Gibbs v. Carnival Cruise Lines*, 314 F.3d 125, 134-35 (3rd Cir. 2002), and *M.S. v. Wermers*, 557 F.2d 170, 174 n.4 (8th Cir. 1977), in light of the parties' positions regarding the appointment of Ms. Gagey as *guardian ad litem*. Specifically, these decisions hold that appointment of a *guardian ad litem* is procedural rather than substantive in nature, and therefore the Federal Rules of Civil Procedure, rather than state rules, apply. The parties shall file their briefs by 8:30 a.m. on February 14, 2006. Any arguments not pertaining to the discussion of these decisions will be stricken.

IT IS SO ORDERED.

Dated: February 13, 2006



MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE