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10 Attorneys for Plaintiffs
11 DAVID EBERLE AND JILL EBERLE,
12 individually and as parents and guardians ad litem to
their minor injured son B.E.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 (SAN FRANCISCO DIVISION)

16 **CV 10**

17 **523** **BZ**

17 DAVID EBERLE AND JILL EBERLE,
18 individually and as parents and guardians
ad litem to their minor injured son B.E.,

19 Plaintiffs,

20 v.

21 MEGA BRANDS, INC.; MEGA BRANDS
22 AMERICA, INC.; and JOHN DOE
CORPORATIONS "A" through "J,"

23 Defendants.

Case No.

**PETITION AND ORDER FOR
APPOINTMENT OF GUARDIANS AD
LITEM**

AND ORDER THEREON

Date:

Time:

Magistrate Judge: Hon. Maria-Elena James

24
25 Petitioners, DAVID EBERLE and JILL EBERLE, father and mother of Plaintiff

26 B.E., state as follows:

27 1. Plaintiff B.E. is a minor of the age of seven years.
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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2. He is about to commence action in this Court against MEGA BRANDS, INC., MEGA BRANDS AMERICA, INC., and DOES A through J, inclusive, for injury sustained due to a defective and dangerous MEGA BRANDS MAGNETIX BUILDING KIT.

3. Plaintiff B.E. has no general guardian and no previous petition for appointment of a guardian ad litem has been filed in this matter.

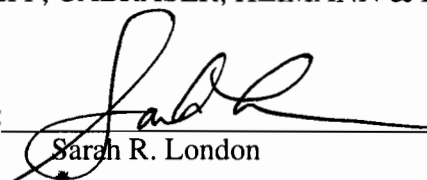
4. DAVID EBERLE and JILL EBERLE, whose address is 1154 Wilhelmina Way, San Jose, CA 95120, are competent and responsible persons, and are fully competent to act as Plaintiff B.E.'s guardians ad litem.

5. Said, DAVID EBERLE and JILL EBERLE are willing to act as guardians ad litem for Plaintiff B.E., as appears by their consent, attached hereto.

WHEREFORE, petitioners move the Court for an order appointing DAVID EBERLE and JILL EBERLE as guardians of Plaintiff B.E. for the purpose of bringing action against MEGA BRANDS, INC., MEGA BRANDS AMERICA, INC., and DOES A through J, inclusive, with regard to the claim hereinabove stated.

Dated: Feb. 3, 2010

Respectfully submitted,
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: 
Sarah R. London

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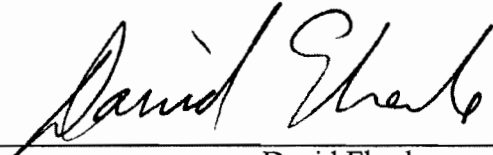
Attorneys for Plaintiffs

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CONSENT OF NOMINEES

I, DAVID EBERLE, the nominee of the Petitioners, consent to act as guardian ad litem for B.E. in the above action.

Dated: February 3, 2010



David Eberle

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CONSENT OF NOMINEES (cont.)

I, JILL EBERLE, the nominee of the Petitioners, consent to act as guardian ad litem for B.E. in the above action.

Dated: 2/3, 2010



Jill Eberle

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ORDER

The petition for an order appointing DAVID EBERLE and JILL EBERLE as guardians ad litem for petition is GRANTED.

IT IS SO ORDERED

Dated: February 16, 2010



United States Chief Magistrate Judge Maria-Elena James