

1 Ciarán O'Sullivan – SBN 198970
 2 The Law Office of Ciarán O'Sullivan
 3 1 Post Street, Suite 800
 4 San Francisco, CA 94101
 Telephone: (415) 391-3711
 Facsimile: (415) 247-7901
 ciaran@cosullivanlaw.com

5 Attorney for T.J.L.

6
 7 **UNITED STATES DISTRICT COURT**
 8 **NORTHERN DISTRICT OF CALIFORNIA**

10 THE PRUDENTIAL LIFE INSURANCE
 11 COMPANY OF AMERICA

12 Plaintiff,

13 vs.

14 DELLA Y. BROOKS, T.J.L, a minor,
 15 and TINA LANCASTER

16 Defendants.

Case No.: 13-cv-0817- JST

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

17 Petitioner alleges as follows:

18 1. On June 3, 2013, this Court appointed Ciarán O'Sullivan, Esq., at the
 19 request of the Federal Pro Bono Project, to represent the minor child T.J.L., a
 20 Defendant in this matter.

21 2. At a case management conference held in this matter on August 28, 2013,
 22 at 2:00 p.m., Mr. O'Sullivan and the Court discussed the question of T.J.L.'s legal
 23 capacity to retain him as her counsel, and whether a guardian ad litem should be
 24 appointed to represent T.J.L.'s interests and to retain Mr. O'Sullivan. The Court
 25 indicated its willingness to entertain a petition for such an appointment subject to Mr.
 26 O'Sullivan locating a person willing to serve in that capacity.

27 3. Typically, but not always, a minor's parent serves as the minor's guardian
 28

1 ad litem. (See *Gonzalez v. Reno* [11th Cir. 2000] 212 F.3d 1338, 1351-1353.) Here,
2 the minor's only surviving parent is a Defendant with a potentially competing claim, and
3 who therefore cannot serve as her guardian ad litem.

4 4. Mr. Michael Low, Esq., of Orinda, California, is now generally familiar with
5 issues raised by this case and is willing and able to serve as guardian ad litem in this
6 case for T.J.L., on a *pro bono* basis, should this Court appoint him. Mr. Low's consent
7 to serve is attached hereto.

8 5. The minor, T.J.L. agrees to this appointment.

9 6. Pursuant to Federal Rule of Court 17(c) this Court may appoint a guardian
10 ad litem for T.J.L. *sua sponte*. (See, F.R.C.P. 17(c); see, also Schwarzer et al.
11 *California Practice Guide, Federal Civil Procedure Before Trial* [TRG 2013], ¶ 7:39 at 7-
12 19.) Petitioner requests that the Court do so.

13 7. Petitioner alleges that no hearing on this matter is necessary, since all
14 other counsel in this case have signed waivers of notice and a hearing on this petition,
15 which are attached. Petitioner alleges that, because it took more time than anticipated
16 to locate a guardian ad litem willing to serve, a prompt appointment is necessary to
17 allow the guardian to prepare for the Settlement Conference to be held on October 16,
18 2013 before Magistrate Judge Maria-Elena James.

19 WHEREFORE, Petitioner moves the Court for an Order appointing Michael Low,
20 Esq. as guardian ad litem of Defendant T.J.L. for the purpose of the instant litigation and,
21 if necessary, a further Order amending this Court's ordered dated June 3, 2013

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1 appointing Ciarán O'Sullivan as attorney for T.J.L. and instead appointing Ciarán
2 O'Sullivan as attorney for the guardian ad litem.

3 DATED: September 19, 2013

THE LAW OFFICE OF CIARÁN
O'SULLIVAN

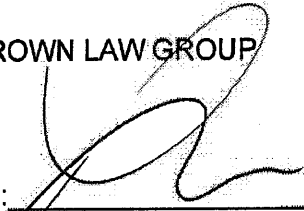
By: 
Ciarán O'Sullivan, Attorney For
Petitioner T.J.L.

9 **WAIVERS OF NOTICE AND HEARING**

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11 The undersigned parties and attorneys of record for parties in this action by our
12 signatures hereto waive notice and a hearing on this Petition for an Order Appointing a
13 Guardian Ad Litem.

14 DATED: September 19, 2013

BROWN LAW GROUP

By: 
Tara M. Jacobson, Esq. (265622)
Attorneys for The Prudential
Insurance Company of America

21 DATED: September , 2013

THE LAW OFFICES OF JOHN L.
FITZGERALD

By: _____
John L. Fitzgerald, Esq. (126613)
Attorney For Defendant Della Y.
Brooks.

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4 DATED: September , 2013

THE LAW OFFICE OF CIARÁN
O'SULLIVAN

5
6
7 By: _____
Ciarán O'Sullivan, Attorney For
8 Petitioner T.J.L.

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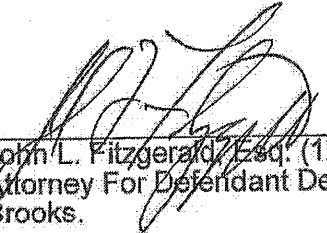
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17 By: _____
18 Tara M. Jacobson, Esq. (265622)
19 Attorneys for The Prudential
Insurance Company of America

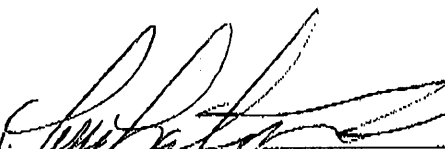
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21 DATED: September ¹⁹ 2013

THE LAW OFFICES OF JOHN L.
FITZGERALD

22
23
24 By:  _____
25 John L. Fitzgerald, Esq. (126613)
26 Attorney For Defendant Della Y.
27 Brooks.

1 DATED: September 19, 2013

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By: 
Tina Lancaster, Defendant in pro per

CONSENT OF NOMINEE

I, Michael Low, the nominee of the Petitioner, consent to act as guardian ad litem for the minor T.J.L. in the above-referenced action.

Dated: September __, 2013

Michael Low, Esq.

ORDER

The petition for an Order appointing Michael Low, Esq. as guardian ad litem for petitioner is GRANTED.

IT IS SO ORDERED

Dated: _____

UNITED STATES DISTRICT JUDGE

1 DATED: September , 2013

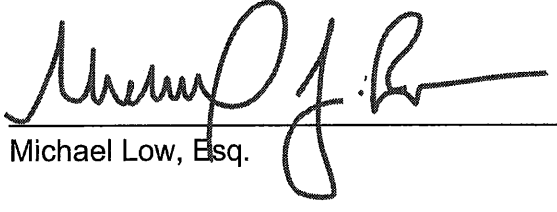
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By: _____
Tina Lancaster, Defendant in pro per

CONSENT OF NOMINEE

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Dated: September 19, 2013


Michael Low, Esq.

ORDER

The petition for an Order appointing Michael Low, Esq. as guardian ad litem for petitioner is GRANTED.

IT IS SO ORDERED

Dated: September 23, 2013

