

1 MICHAEL D. GREEN, ESQ., SB# 214142  
 2 [mgreen@abbeylaw.com](mailto:mgreen@abbeylaw.com)  
 3 SCOTT R. MONTGOMERY, ESQ., SB # 278060  
 4 [smontgomery@abbeylaw.com](mailto:smontgomery@abbeylaw.com)  
 5 ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
 6 100 Stony Point Road, Suite 200  
 7 P.O. Box 1566  
 8 Santa Rosa, CA 95402-1566  
 9 Telephone: 707-542-5050  
 10 Facsimile: 707-542-2589

11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ESTATE OF JIMMY RAY HATFIELD;  
 15 R.H., a minor, by and through her Guardian  
 16 Ad Litem, ELIZABETH TOWN; and K.H.,  
 17 a minor, by and through her Guardian Ad  
 18 Litem, ELIZABETH TOWN; WILLIAM  
 19 HATFIELD; and JUDY HATFIELD;

Case No. 4:11-cv-02396 PJH

20 **PETITION FOR APPOINTMENT OF  
 21 NEW GUARDIAN AD LITEM AND  
 22 [PROPOSED] ORDER**

23 Plaintiff,

24 v.

25 COUNTY OF LAKE; et al.,  
 26 Defendants.

27 \_\_\_\_\_ /  
28  
29 Petitioner, WILLIAM TOWN, submits the following:

- 30 1. K.H. is a minor, born on July 6, 2000.
- 31 2. R.H. is a minor, born on January 28, 1999.
- 32 3. K.H. and R.H. are plaintiffs in the case of *Estate of Jimmy Ray Hatfield et al. v.*

33 *County of Lake et al.* 4:11-cv-02396 PJH for claims arising out of the incident that occurred on  
 34 May 17, 2010.

35 4. This Court previously appointed K.H. and R.H.'s mother ELIZABETH TOWN as  
 36 the guardian ad litem for K.H. and R.H.

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
 100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566  
 Telephone: (707) 542-5050 Facsimile (707) 542-2589

1 5. ELIZABETH TOWN was killed in a traffic collision on June 24, 2013 in Lake  
2 County California. K.H. and R.H. now have no living mother or father.

3 6. WILLIAM TOWN is the surviving brother of ELIZABETH TOWN and the uncle  
4 of K.H and R.H.

5 7. WILLIAM TOWN was granted temporary guardianship of K.H. and R.H. by the  
6 Lake County Superior Court on July 24, 2013. A true and correct copy of the Order granting  
7 temporary guardianship is attached hereto as Exhibit A.

8 8. WILLIAM TOWN is in the process of obtaining permanent guardianship of K.H.  
9 and R.H.

10 9. Both R.H. and K.H. now reside with WILLIAM TOWN and his family at 2612  
11 49<sup>th</sup> Ave SW, Seattle, WA 98116.

12 10. Petitioner WILLIAM TOWN is a competent and responsible person, and fully  
13 competent to act as guardian ad litem for K.H. and R.H.

14 11. Petitioner is willing and consents to act as guardian ad litem for K.H. and R.H.

15  
16 WHEREFORE, petitioner consents to the appointment of guardian ad litem moves the  
17 court for an order appointing WILLIAM TOWN, as guardian ad litem for K.H. and R.H., for the  
18 purpose of prosecuting the action herein.

19  
20 DATED: 8/15/2013 WT  
21 WILLIAM TOWN

22 **ORDER**

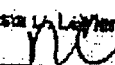
23 The petition for an order appointing WILLIAM TOWN as guardian ad litem to K.H. and  
24 R.H. is GRANTED.

25 IT IS SO ORDERED.

26  
27 DATED: 9/5/13  
28 UNITED STATES DISTRICT COURT  
JUDGE Phyllis J. Hamilton  
DISTRICT JUDGE



**EXHIBIT “A”**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>JAMES K. CARROLL, ESQ. SBN 289064</b> <b>A FAMILY LAW FIRM</b>  <b>1612 FOURTH STREET</b> <b>SANTA ROSA, CA 95404</b> TELEPHONE NO.: 707-525-5778 FAX NO. (Optional): E-MAIL ADDRESS (Optional):		FOR COURT USE ONLY  <b>FILED</b> <b>SUPERIOR COURT</b> <b>COUNTY OF LAKE</b>  <b>JUL 24 2013</b>  Krista L. LeVier  Deputy Clerk
ATTORNEY FOR (Name): <b>William Leo Town II &amp; Nikki Lynn Wildfang</b> <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE</b> STREET ADDRESS: 255 N. Forbes Street MAILING ADDRESS: Family Law Division CITY AND ZIP CODE: Lakeport, CA 95453 BRANCH NAME: Probate		
TEMPORARY GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (Name): <b>Raycann Marie Hatfield and Kayla Nicole Hatfield</b>		
<b>ORDER APPOINTING TEMPORARY GUARDIAN</b>		MINOR CASE NUMBER: <b>PR 501695</b>
<b>WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.</b>		

JUL 23 2013

1. The petition for appointment of a temporary guardian came on for hearing as follows (check boxes a-l to indicate personal presence):
- a. Judicial officer (name):
  - b. Hearing date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_
  - c.  Petitioner (name): **William Leo Town II and Nikki Lynn Wildfang**
  - d.  Attorney for petitioner (name): **JAMES K. CARROLL, ESQ. SBN 289064**
  - e.  Minor (name):
  - f.  Attorney for minor (name):
  - g.  Minor's parents (names):
  - h.  Attorney for minor's parents (names):
  - i.  Person with valid visitation order (name):
  - j.  Attorney for person with valid visitation order (name):
  - k.  Public Guardian (name):
  - l.  Attorney for Public Guardian (name):

**THE COURT FINDS**

2. a.  Notice of the time and place of hearing has been given as required by law.  
 b.  Notice of the time and place of hearing  has been  should be dispensed with for (names):
3. It is necessary that a temporary guardian be appointed to  provide for temporary care, maintenance, and support  
 protect property from loss or injury  pending the hearing on the petition for appointment of a general guardian.  
 pending an appeal under Probate Code section 1301.  during the suspension of powers of the guardian.

**THE COURT ORDERS**

4. a.  (Name): **William Leo Town II and Nikki Lynn Wildfang**  
 (Address): **2612 49th Ave SW** (Telephone): **206-932-5369**  
**Seattle, WA 98116**  
  
 is appointed temporary guardian of the PERSON of (name): **Raycann Marie Hatfield and Kayla Nicole Hatfield**  
 and Letters shall issue upon qualification.
- b.  (Name): **William Leo Town II and Nikki Lynn Wildfang**  
 (Address): **2612 49th Ave SW** (Telephone): **206-932-5369**  
**Seattle, WA 98116**  
  
 is appointed temporary guardian of the ESTATE of (name): **Raycann Marie Hatfield and Kayla Nicole Hatfield**  
 and Letters shall issue upon qualification.

## TEMPORARY GUARDIANSHIP OF

(Name): Rayeann Marie Hatfield and Kayla Nicole Hatfield

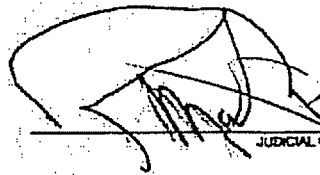
CASE NUMBER

MINOR

5.  Notice of hearing to the persons named in item 2b is dispensed with.
6. a.  Bond is not required.  
 b.  Bond is fixed at: \$0.00 to be furnished by an authorized surety company or as otherwise provided by law.  
 c.  Deposits of: \$0.00 are ordered to be placed in a blocked account at (specify institution and location):  
 and receipts shall be filed. No withdrawals shall be made without a court order.  Additional orders in attachment 6c.  
 d.  The temporary guardian is not authorized to take possession of money or any other property without a specific court order.
7.  In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified  in attachment 7.  below (specify):

8.  Other orders as specified in attachment 8 are granted.
9.  Unless modified by further order of the court, this order expires on (date):
10. Number of boxes checked in items 4-9: \_\_\_\_\_
11. Number of pages attached: \_\_\_\_\_

Date: 7-24-13



Richard C. Martin

JUDICIAL OFFICER

 SIGNATURE FOLLOWS LAST ATTACHMENT

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566  
Telephone: (707) 542-5050 Facsimile (707) 542-2589

1 **CERTIFICATE OF SERVICE**

2 I, Michael D. Green, attorney of record for plaintiffs ESTATE OF  
3 JIMMY RAY HATFIELD; R.H., a minor, by and through her Guardian Ad Litem,  
4 ELIZABETH TOWN; and K.H., a minor, by and through her Guardian Ad Litem,  
5 ELIZABETH TOWN; WILLIAM HATFIELD; and JUDY HATFIELD, do  
6 hereby certify that on August 28, 2013, I electronically filed the foregoing  
7 **“PETITION FOR APPOINTMENT OF NEW GUARDIAN AD LITEM AND**  
8 **[PROPOSED] ORDER”** with the Clerk of the Court using the electronic case  
9 filing system, which will send notifications of this filing to all parties registered  
10 with the Court’s electronic case filing system.

11  
12 Dated: August 28, 2013 ABBEY, WEITZENBERG, WARREN & EMERY

13  
14 By:                   /s/ Lisa Dabbs                    
15 LISA DABBS  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28