

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

3
4 EUGENE F. FORTE; EILEEN FORTE;
5 GABRIELLE FORTE; JORDAN FORTE;
6 NOEL FORTE and JUSTON FORTE,

7 Plaintiffs,

8 v.

9 HYATT SUMMERFIELD SUITES
10 PLEASANTON; ANA VILLA,
11 individually and as an employee
12 of HYATT SUMMERFIELD SUITES
13 PLEASANTON; PLEASANTON POLICE
14 DEPARTMENT; OFFICER JERRY
15 NICELEY, individually and in his
16 official capacity; OFFICER
17 MARDENE LASHLEY, individually and
18 in her official capacity; OFFICER
19 MARTENS, individually and in his
20 official capacity; and DOES 1
21 through 25, inclusive,

22 Defendants.
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No. C 11-02568 CW
ORDER DISMISSING
WITHOUT PREJUDICE
MINOR PLAINTIFFS'
CLAIMS

27 On September 20, 2011, this Court granted Plaintiffs'
28 counsel's motion to withdraw. In doing so, the Court informed
Plaintiffs that if they wished to pursue this litigation, they
would have to retain new counsel or represent themselves in
propria persona. The Court also noted that Plaintiffs who are
minor children cannot represent themselves or appear without
guardian ad litem.¹ The Court granted sixty days for minor
Plaintiffs to find new counsel and seek appointment of a guardian

¹ Eugene Forte's July 11, 2011 opposition brief indicates that Noel Forte and Juston Forte are his minor children, but does not disclose their birthdates.


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ad litem for the purpose of pursuing this action, or face
dismissal of their claims.

The sixty day deadline has expired and there is no indication
that minor Plaintiffs have complied with the Court's order.
Therefore, minor Plaintiffs' claims are dismissed without
prejudice. The remaining parties shall appear for a case
management conference on December 13, 2011 at 2 pm.

IT IS SO ORDERED.

Dated: 11/22/2011



CLAUDIA WILKEN
United States District Judge