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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

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6 **NELLIE JONES, et al.,**

Case No.: 11-CV-3470-YGR

7 Plaintiffs,

**ORDER CONTINUING COMPLIANCE HEARING
RE: FILING OF PETITION FOR MINOR'S
COMPROMISE**

8 vs.

9 **CITY OF OAKLAND, et al.,**

10 Defendants.

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12 The Court is in receipt of Plaintiffs' Amended Petition To Appoint GAL and Compromise
13 Minor's Claim. (Dkt. No. 39.) Both the request for appointment of a guardian ad litem and the
14 petition for compromise of a minor's claim are missing information necessary for the Court to render
15 a decision. The pending petitions are therefore **DENIED WITHOUT PREJUDICE** to re-submitting. The
16 compliance hearing currently set for Friday, September 27, 2013, is **CONTINUED to October 11,**
17 **2013**, on the Court's 9:01 a.m. calendar, in the Federal Courthouse, 1301 Clay Street, Oakland,
18 California, Courtroom 5.


19 Counsel are directed to refer to California Judicial Council forms CIV-010 (Application And
20 Order for Appointment of Guardian Ad Litem – Civil) and MC-350 (Petition to Approve Compromise
21 of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Person
22 With a Disability), which set forth the information necessary to support the petitions. By way of
23 example, the request for appointment of a guardian ad litem does not include: (1) the full date of birth
24 for the minor; (2) the signature under penalty of perjury of the petitioner and the person consenting to
25 appointment as guardian ad litem; and (3) the contact information for the minor and the proposed
26 guardian ad litem. Likewise, by way of example and without listing each deficiency as compared to
27 the standard California form, the petition for compromise of a minor's claim does not include: (1) the
28 terms of the settlement and the amounts being paid to others; (2) a declaration from the attorney

1 regarding amount of fees and the statutory basis therefore, including a copy of the fee agreement; and
2 (3) a breakdown of expenses.

3 Five (5) business days prior to the date of the continued compliance hearing, Plaintiffs shall
4 file either: (a) a **Second Amended** Request for Appointment of Guardian ad Litem and Petition for
5 Minor's Compromise, or (b) a one-page statement setting forth an explanation for their failure to
6 comply. If compliance is complete, the parties need not appear and the compliance hearing will be
7 taken off calendar. Telephonic appearances may be allowed if the parties have submitted a written
8 statement in a timely fashion.

9 **IT IS SO ORDERED.** This Order terminates Docket No. 39.

10 Dated: September 25, 2013

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12 **YVONNE GONZALEZ ROGERS**
13 **UNITED STATES DISTRICT COURT JUDGE**

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