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8 Attorneys for Plaintiffs
 9 EDRICK HARVEY, MARY
 10 OCTAVIA DORROUGH and
 11 minors AS and RH.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14 EDRICK HARVEY individually and)
 15 MARY OCTAVIA DORROUGH as)
 16 guardian ad litem for minors AS and RH.)
 17)
 18 Plaintiffs)
 19)
 20 v.)
 21)
 22 CITY OF ANTIOCH, ANTIOCH POLICE)
 23 DEPARTMENT, POLICE CHIEF JAMES)
 24 HYDE, ACTING ANTIOCH POLICE)
 25 CHIEF ALLAN CANTANDO,)
 26 DETECTIVE JAMES STENGER,)
 27 DETECTIVE MICHAEL MELLONE,)
 28 DETECTIVE D. BITTNER (Badge 3252),)
 DETECTIVE WISECARVER (Badge)
 2363), DETECTIVE VINCELET (Badge)
 number unknown), DETECTIVE)
 MORTIMER (Badge number unknown);)
 CITY OF PITTSBURG, PITTSBURG)
 POLICE DEPARTMENT, POLICE CHIEF)
 AARON L. BAKER, and DOES 1 to 100)
)
 Defendants.)

Case No. C-11-04986 SBA
**PETITION TO ALLOW CURRENT
 GUARDIAN AD LITEM FOR “AS” TO
 WITHDRAW AND TO APPOINT A
 NEW GUARDIAN AD LITEM FOR
 “AS”; STATEMENT OF COUNSEL;
 REQUEST OF CURRENT GUARDIAN
 AD LITEM TO WITHDRAW;
 CONSENT OF NEW NOMINEE; AND
 ORDER**

PETITION BY MINOR OVER AGE 14

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Petitioner AS states as follows:

1. I am a Plaintiff in this case. I am 17 years old.
2. My claims against these defendants resulted from injuries I suffered.
3. At my request, the Court previously appointed my aunt Mary Octavia Dorrough to be my guardian ad litem in this case.
4. I have been informed that for personal reasons Mary Octavia Dorrough has requested to withdraw as my guardian ad litem.
5. I am not seeking to have my mother appointed as guardian ad litem, because she is also a plaintiff in this litigation, and I have been advised that Court's often do not like to appoint someone to be a child's guardian ad litem if that person has his or her own personal claims.
6. Our close family friend, CHELSEA STINGLEY, is a competent adult and a responsible person. She is fully competent to act as my guardian ad litem for purposes of this litigation until I become 18 years old. I have known CHELSEA STINGLEY as long as I can remember. I think of her as an aunt.
7. I respectfully request that the Court appoint CHELSEA STINGLEY as my guardian ad litem.

I declare under the penalty of perjury, according to the laws of the State of California, that the foregoing is true and correct.

Dated: June 26, 2012

By: _____
"AS"

STATEMENT OF COUNSEL

I, Quinton B. Cutlip, state:

1. I am an attorney at law who is admitted to practice before the United States District Court for the Northern District of California. I am an associate with the Dolan Law Firm, the attorneys of record for the Plaintiffs in this action.

2. At AS' request, this Court previously appointed MARY OCTAVIA DORROUGH to be the guardian ad litem for "AS." MS. DORROUGH previously consented and was appointed. MS. DORROUGH has now advised me that for personal reasons she is no longer willing to act as the guardian ad litem for "AS."

3. As indicated in the consent attached, hereto, CHELSEA STINGLEY has consented to act as guardian ad litem for "AS."

4. It has been my experience that some courts disfavor appointing a person as guardian ad litem for a child if that person also has his or her own individual claims in the litigation. CHELSEA STINGLEY was chosen to be guardian ad litem because she does not have any other interest in this litigation or individual claim for damages in this action. "AS's" natural mother, EDRICK HARVEY, was also a victim of Defendants' tortious acts and is an individually named plaintiff in this action. She, therefore, requests that the Court appoint CHELSEA STINGLEY as guardian ad litem of petitioner "AS."

5. WHEREFORE, Petitioner moves this court for an order allowing Mary Dorrough to withdraw and appointing CHELSEA STINGLEY as guardian ad litem of petitioner "AS" for the purpose of maintaining an action against the defendants identified above.

Dated: June 28, 2012

THE DOLAN LAW FIRM

By _____
Quinton B. Cutlip, attorneys for EDRICK HARVEY,
CHELSEA STINGLEY and minors AS and RH.

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REQUEST TO WITHDRAW AS GUARDIAN AD LITEM

I, MARY OCTAVIA DORROUGH, declare:

- 1. I previously consented to and was appoint to be the guardian ad litem for “AS” in his case involving the Antioch Police Department and the Pittsburg Police Department.
- 2. For personal reasons, I wish to withdraw from my position as the guardian ad litem for AS. I respectfully request that the Court allow me to withdraw. AS would be better served by having someone else act as his guardian ad litem.

I declare under the penalty of perjury, according to the laws of the United States, that the foregoing is true and correct.

Dated: _____, 2012

By: _____
MARY OCTAVIA DORROUGH

CONSENT OF NOMINEE

I, CHELSEA STINGLEY, the nominee of the Petitioner, am a responsible adult. I am a close friend of AS' family. I have known AS almost all of her life. I consent to act as guardian ad litem for AS until she turns 18 years of age or until this action is concluded, whichever is first.

Dated: June 26, 2012

By: _____
CHELSEA STINGLEY

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ORDER

The petition for an order allowing MARY OCTAVIA DORROUGH to withdraw as guardian ad litem for petitioner “AS” is GRANTED. The petition for an order appointing CHELSEA STINGLEY as the new guardian ad litem for “AS” is GRANTED. CHELSEA STINGLEY shall be AS’ guardian ad litem in this litigation from this date forward. She will cease to be the guardian ad litem when the litigation is dismissed or when AS becomes 18 years old, whichever occurs first.

IT IS SO ORDERED.

Dated: 8/7/12

By: *Sandra B. Armstrong*
Judge of the United States District Court for the
Northern District of California.