

1 Christopher B. Dolan, Esq. (SBN 165358)
 2 Quinton B. Cutlip, Esq. (SBN 168030)
 3 THE DOLAN LAW FIRM
 1438 Market Street
 4 San Francisco, California 94102
 Tel: (415) 421-2800
 Fax: (415) 421-2830

5 Attorneys for Plaintiffs
 6 EDRICK HARVEY, MARY
 7 OCTAVIA DORROUGH and
 minors AS and RH.

E-filing

RECEIVED
 OCT - 7 2011
 RICHARD W. WICKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

DMR

12 EDRICK HARVEY individually and
 13 MARY OCTAVIA DORROUGH as
 guardian ad litem for minors AS and RH.

Plaintiffs

v.

17 CITY OF ANTIOCH, ANTIOCH POLICE)
 DEPARTMENT, POLICE CHIEF JAMES)
 18 HYDE, ACTING ANTIOCH POLICE)
 CHIEF ALLAN CANTANDO,)
 19 DETECTIVE JAMES STENGER,)
 DETECTIVE MICHAEL MELLONE,)
 20 DETECTIVE D. BITTNER (Badge 3252),)
 DETECTIVE WISECARVER (Badge)
 21 2363), DETECTIVE VINCELET (Badge)
 22 number unknown), DETECTIVE)
 MORTIMER (Badge number unknown);)
 23 CITY OF PITTSBURG, PITTSBURG)
 POLICE DEPARTMENT, POLICE CHIEF)
 24 AARON L. BAKER, and DOES 1 to 100)

Defendants.

CV Case No. 11

4986

**PETITION FOR APPOINTMENT OF
 GUARDIAN AD LITEM FOR "AS," A
 MINOR; STATEMENT OF COUNSEL;
 CONSENT OF NOMINEE; AND
 [PROPOSED] ORDER**

PETITION BY MINOR OVER AGE 14

1 Petitioner AS states as follows:

2 1. I am a minor. I am currently over 16 years old.

3 2. I am about to commence an action in this court against the defendants listed above.

4 3. My claims against these defendants are based upon injuries I suffered. A copy of
5 my complaint is being filed with this petition.

6 4. I have no general guardian and no previous petition for appointment of a guardian
7 ad litem has been filed in this matter.

8 5. My natural aunt, MARY OCTAVIA DORROUGH, is a competent adult and a
9 responsible person. She is fully competent to act as my guardian ad litem for purposes of this
10 litigation, until I become 18 years old.

11 6. I request that the Court appoint MARY OCTAVIA DORROUGH as my guardian
12 ad litem.

13 Dated: October 5, 2011

14 By: AS
15 "AS"

16 (Only initials used pursuant to FRCP 5.2(a)(3))

17
18
19 **STATEMENT OF COUNSEL**

20 I, Quinton B. Cutlip, state:

21 1. I am an attorney at law who is duly licensed to practice before the courts of the
22 State of California. I am also admitted to practice before the United States District Court for the
23 Northern District of California. I am an associate with the Dolan Law Firm, the attorneys of
24 record for the Plaintiffs in this action.

25 2. As indicated in the consent attached, hereto, MARY OCTAVIA DORROUGH has
26 consented to act as guardian ad litem for "AS."
27
28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. 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. MARY OCTAVIA DORROUGH 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. So, EDRICK HARVEY is an individually named plaintiff in this action.

4. WHEREFORE, Petitioner moves this court for an order appointing MARY OCTAVIA DORROUGH as guardian ad litem of petitioner "AS" for the purpose of bringing and maintaining an action against the defendants identified above.

Dated: October 5, 2011

THE DOLAN LAW FIRM

By 
Quinton B. Cutlip
EDRICK HARVEY, MARY OCTAVIA DORROUGH and minors AS and RH.

CONSENT OF NOMINEE

I, MARY OCTAVIA DORROUGH, the nominee of the Petitioner, consent to act as guardian ad litem for niece AS until she turns 18 years of age or until this action is concluded, whichever is first.

Dated: October 5, 2011

By: 
MARY OCTAVIA DORROUGH

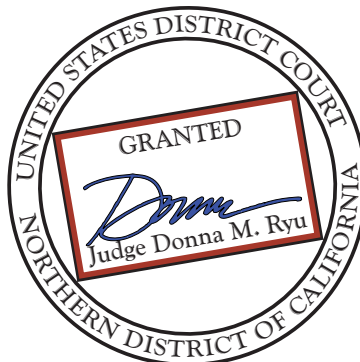
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The petition for an order appointing MARY OCTAVIA DORROUGH as guardian ad litem for petitioner "AS" is GRANTED.

IT IS SO ORDERED.



Dated: 10/26/2011

By: _____
Judge of the United States District Court for the Northern District of California.