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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHELLEY ALLISON,

Plaintiff,

v.

JUDITH LAWRENCE, ET AL.,

Defendants.

No. C 14-04813 JSW

ORDER RE ORDER OF MOTIONS

Plaintiff has noticed a motion for appointment of Connie Valentine as guardian *ad litem* for the two minor children in this matter and set the hearing on that motion for December 4, 2015. The motion to dismiss the second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) filed by Defendants Xavier Shabazz, Emily Amott, Donald Patchin, and Contra Costa County (“County Defendants”) and the motion to dismiss filed by Judicial Council, Contra Costa Superior Court, and the State of California (“State Defendants”) are both set for hearing on November 13, 2015.

As the Court has previously held, absent a legal guardian, the two minor children lack capacity to sue. If no guardian *ad litem* is appointed, the claims on their behalf must be dismissed. *See* Cal. Code Civ. Proc. § 373(a). Because the Court finds that the threshold issue of proceeding as minors must be addressed prior to resolving the pending motions to dismiss, the Court **HEREBY CONTINUES** the hearing on the motion for appointment of guardian *ad litem* and the two pending motions to dismiss to an open date on the Court’s calendar, on December 18, 2015 at 9:00 a.m. The

1 briefing schedule on the appointment of guardian motion does not change.

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IT IS SO ORDERED.

Dated: November 9, 2015



JEFFREY S. WHITE
United States District Judge