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DISTRICT COURT
S.D. OF CALIF.
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Attorneys for Plaintiffs

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CPT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BERNARDINO BARRERA, an individual;
DOLORES BARRERA, an individual;
MARIA BARRERA, an individual; JOSE
BARRERA, an individual; A.B., a minor
child, by and through her guardian ad litem,
DOLORES BARRERA,
Plaintiffs,

C 09 00858 PVT

PETITION AND ORDER FOR
APPOINTMENT OF GUARDIAN AD
LITEM

vs.

CITY OF SAN JOSE, a public entity; SAN
JOSE POLICE DEPARTMENT, a public
entity and department of the City of San
Jose; DENNIS DOLEZAL, Badge No. 2010,
an individual; BRUCE WILEY, Badge No.
2102, an individual; MICHAEL
SULLIVAN, Badge No. 2733, an individual;
RICK WEGER, Badge No. 2850, an
individual; JANA MUNK, Badge No. 2932,
an individual; JOHN HAGELE, Badge No.
2968, an individual; ANTHONY HATTEY,
Badge No. 3035, an individual; TROY
MURRAY, Badge No. 3081, an individual;
NICHOLAS SPEAKS, Badge No. 3138, an
individual; ERIC DRAGOO, Badge No.
3191, an individual; JOHN MARFIA, Badge
No. 3254, an individual; SCOTT
MORASCI, Badge No. 3292, an individual;
JEFFREY PROFIO, Badge No. 3295, an
individual; EDWARD CONOVER, Badge
No. 3358, an individual; KEITH
MIZUHARA, Badge No. 3377, an
individual; JAMES MENARD, Badge No.

1 3447, an individual; JODI WILLIAMS,
2 Badge No. 3571, an individual; CHRIS
3 BIELECKI, Badge No. 3579, an individual;
4 JAMES HOAG, Badge No. 3604, an
5 individual; SEAN MORGAN, Badge No.
6 3614, an individual; SCOTT
7 MCCULLOCH, Badge No. 3626, an
8 individual; JOSEPH PAOLINI, Badge No.
9 3646, an individual; ADAM JENKINS,
10 Badge No. 3661, an individual; BETH
11 ALBALOS, Badge No. 3680, an individual;
12 CASSIDY ELISCHER, Badge No. 3739, an
13 individual; GARRIE THOMPSON, Badge
14 No. 3752, an individual; MACEDONIO
15 ZUNIGA, Badge No. 3795, an individual;
16 KYLE CARDIN, Badge No. 3846, an
17 individual; SEAN MATTOCKS, Badge No.
18 3861, an individual; TEDROS HABIB,
19 Badge No. 3993, an individual; ERIK
20 SNELGROVE, Badge No. 4002, an
21 individual; PAUL FUKUMA, Badge No.
22 4003, an individual; RYAN DOTE, Badge
23 No. 4006, an individual; DEVLIN
24 CREIGHTON, Badge No. 4013, an
25 individual; MIGUEL MARTIN, Badge No.
26 4014, an individual; FAYSAL ABI-
27 CHAHINE, Badge No. 4015, an individual;
28 ADAM DORN, Badge No. 4021, an
individual; GRAEME NEWTON, Badge No.
4026, an individual; HEIDI KINDORF,
Badge No. 4027, an individual; BENJAMIN
JENKINS, Badge No. 4035, an individual;
RYAN AGAMAV, Badge No. 4041, an
individual; STEVEN MARELLO, Badge
No. 4044, an individual; and Does 1-100,
inclusive,

Defendants.

PETITION

Petitioner A.B. states as follows:

1. I am a minor of the age of sixteen years.

2. I am about to commence an action in this court against the City of San Jose, the San Jose Police Department, and individual defendants Dolezal, Wiley, Sullivan, Weger, Munk, Hagele, Hattey, Murray, Speaks, Dragoo, Marfia, Morasci, Profio, Conover, Mizuhara, Menard, Williams, Bielecki, Hoag, Morgan, McCulloch, Paolini, Jenkins, Albalos, Elischer, Thompson, Zuniga, Cardin, Mattocks, Habib, Snelgrove, Fukuma, Dote, Creighton, Martin, Abi-Chahine, Dorn, Newton, Kindorf, Jenkins, Agamav, and Marello, under 42 U.S.C. § 1983 for violation of my rights under the United States Constitution, and under California state law for violations of Civil Code sections 51.7, 52.1, and 52.3, and other state law torts.

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

4. Dolores Barrera, whose address is 898 Vine Street, San Jose, California 95110, is a competent and responsible person, and fully competent to act as my guardian ad litem.

5. Dolores Barrera is willing to act as guardian ad litem for petitioner, as appears by her consent attached hereto.

WHEREFORE, petitioner moves the court for an order appointing Dolores Barrera as guardian ad litem of petitioner for purposes of bringing action against the above-named defendants on the causes of action described above.

DATED: February 27, 2009

McMANIS FAULKNER

Christine E. Peek
JAMES MCMANIS
CHRISTINE PEEK

Attorneys for Petitioner, A.B.

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CONSENT OF NOMINEE

I, Dolores Barrera, the nominee of petitioner, consent to act as guardian ad litem for the minor petitioner in the above action.

Dated: 2-18-09

Dolores Barrera
DOLORES BARRERA

ORDER

The petition for an order appointing Dolores Barrera as guardian ad litem for petitioner is GRANTED.

IT IS SO ORDERED.

Dated: 3/2/09

Patricia V. Trumbull
UNITED STATES ~~DISTRICT~~ JUDGE
MAGISTRATE