



1 Hernandez-Rojas; there is no pending proceeding for the administration of the estate; no one else  
2 has a superior right to commence this action; and she is the decedent's successor in interest as  
3 defined in § 377.11. Code of Civil Procedure § 377.32(a)(3) requires that a person who pursues  
4 an action as a decedent's successor in interest execute an affidavit or declaration that states, "No  
5 proceeding is now pending in California for administration of the decedent's estate." As noted  
6 above, Daisy Hernandez has so declared.

7 Having reviewed the *ex parte* motion and good cause appearing, **IT IS ORDERED**  
8 granting Daisy Hernandez's *ex parte* motion to be appointed successor in interest to the estate of  
9 Anastacio Hernandez-Rojas.

10 **IT IS SO ORDERED.**

11 DATED: April 18, 2011

12   
13 M. James Lorenz  
United States District Court Judge

14 COPY TO:

15 HON. NITA L. STORMES  
16 UNITED STATES MAGISTRATE JUDGE

17 ALL PARTIES/COUNSEL  
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