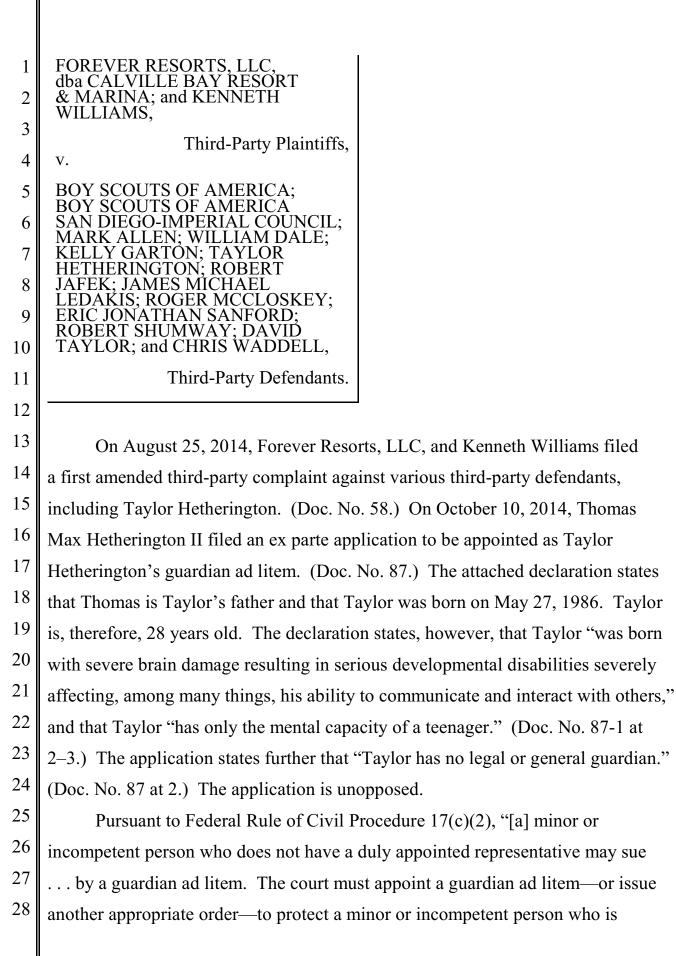
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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
10	NICHOLAS KORMYLO, M.D.;	CASE NO. 13cv511 JM (WVG)
11	NICHOLAS KORMYLO, M.D.; KIMBERLY KORMYLO; and BRYCE KORMYLO, by and through his guardian ad litem KIMBERLY KORMYLO,	ORDER APPOINTING
12	his guardian ad litem KIMBERLY KORMYLO,	GUARDIAN AD LITEM FOR THIRD-PARTY DEFENDANT
13	Plaintiffs,	TAYLOR HETHERINGTON
14		
15	FOREVER RESORTS, LLC, dba CALVILLE BAY RESORT	
16	& MARINA; and KENNETH WILLIAMS,	
17	Defendants.	
18		
19	FOREVER RESORTS, LLC, dba CALVILLE BAY RESORT	
20	& MARINA; and KENNETH WILLIAMS,	
21	Third-Party Plaintiffs,	
22	V.	
23	SCOTT PETERSON NEELY,	
24	Third-Party Defendant.	
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unrepresented in an action." The court has an obligation to consider whether such a person is adequately protected and "broad discretion" whether to appoint a guardian. United States v. 30.64 Acres of Land, 795 F.2d 796, 805 (9th Cir. 1986). Having reviewed the application, including the declaration of Thomas Max Hetherington II, the court finds based on the uncontroverted evidence that Third-Party Defendant Taylor Hetherington is incompetent to act on his own behalf in this action. As such, Third-Party Defendant Taylor Hetherington lacks capacity to be sued in the absence of the guardianship ordered herein. Good cause appearing therefor, Thomas Max Hetherington II is appointed guardian ad litem for Taylor Hetherington. IT IS SO ORDERED. DATED: November 4, 2014 Hon. Jeffrey T. Miller United States District Judge