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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JACK SHUMAKER, *by and through his
Guardian Ad Litem Patrice Shumaker,*
Plaintiff,

v.

UNITED STATES OF AMERICA, and
Does 1-50,
Defendants.

Case No.: 3:16-cv-02652-BEN-AGS

**ORDER GRANTING MOTION TO
APPOINT GUARDIAN AD LITEM**

Plaintiff Jack Shumaker¹ has filed an *ex parte* motion to appoint Patrice Shumaker as his Guardian Ad Litem. (Docket No. 7.) Pursuant to Rule 17(c)(1)(A), a “general guardian” may sue on behalf of a minor, and a “a parent is a guardian who may so sue.” *Prudential Ins. Co. of Am. v. Remington*, No. 2:12-CV-02821-GEB, 2013 WL 3070629, at *1 (E.D. Cal. June 17, 2013) (quoting *Cnty. for Equity v. Mich. High Sch. Athletic Ass’n*, 26 F. Supp. 2d 1001, 1006 (W.D. Mich. 1998)). Thus, although it does not appear that such an order is necessary, the Court **GRANTS** Plaintiff’s motion.

¹ Although the Motion names both Patrice Shumaker and Jack Shumaker “Plaintiff” (docket no. 7 at 1:18; 1:23), it is the Court’s understanding that Jack Shumaker is the sole named plaintiff in this action.

1 Patrice Shumaker is hereby appointed as Plaintiff's Guardian Ad Litem. However,
2 should Patrice Shumaker become a plaintiff to the action and an actual or potential
3 conflict of interest arises between her and Jack Shumaker, the Court must appoint a new
4 Guardian Ad Litem. See *Bhatia v. Corrigan*, No. C 07-2054 CW, 2007 WL 1455908, at
5 *1 (N.D. Cal. May 16, 2007) (quoting *Williams v. Superior Court*, 54 Cal. Rptr. 3d 13, 23
6 (Cal. Ct. App. 2007) (“[I]f the parent has an actual or potential conflict of interest with
7 his child, the parent has no right to control or influence the child's litigation.”)).

8 **IT IS SO ORDERED.**

9
10 DATED: February 27, 2017


HON. ROGER T. BENITEZ
United States District Judge