

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-00104-REB-MJW

H.H., by and through his father and next friend, Benjamin Harbour, and
BENJAMIN HARBOUR, individually,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

ORDER

Blackburn, J.

This matter is before the court on the following: (1) the **Plaintiffs' Emergency Motion to Reopen Case (Unopposed)** [#34]¹ filed May 6, 2015; and (2) the **Plaintiffs' Motion To appoint Benjamin Harbour To Act in a Representative Capacity (Unopposed)** [#36] filed May 7, 2015. I grant both motions.

This is a medical negligence case which arose from the treatment of H.H., an infant, at the Evans Army Community Hospital, Fort Carson, Colorado. Plaintiff Benjamin Harbour is the father of H.H. Recently, Mr. Harbour agreed to the terms of a settlement agreement with the defendant, the United States of America. The parties agree that the settlement is fair and that Mr. Harbour always has acted and will continue to act in the best interests of his son, H.H.

After the settlement terms were finalized and this case was dismissed at the request of the parties, the plaintiffs filed their motion [#34] to reopen this case. They

¹ “[#34]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

seek to re-open this case for the purpose of obtaining an order of this court appointing Mr. Harbour as the next friend of H.H. under Fed. R. Civ. P. 17. Mr. Harbour seeks such an appointment to permit him to execute the settlement agreement on behalf of H.H. Under Rule 17(c)(2), a minor who does not have a duly appointed representative “may sue by a next friend or by a guardian ad litem.” The record in this case indicates that Mr. Harbour has acted and will continue to act in the best interests of his son, H.H. Given these circumstances, the parties have shown good cause to re-open this case to permit the court to authorize Mr. Harbour to act in this case and to execute the settlement as the next friend of his son, H.H.

THEREFORE, IT IS ORDERED as follows:

1. That the **Plaintiffs’ Emergency Motion to Reopen Case (Unopposed)** [#34] filed May 6, 2015, is granted;
2. That this case is re-opened;
3. That the **Plaintiffs’ Motion To appoint Benjamin Harbour To Act in a Representative Capacity (Unopposed)** [#36] filed May 7, 2015, is granted;
4. That under Fed. R. Civ. P. 17(c)(2), the court authorizes plaintiff Benjamin Harbour to prosecute this case and to execute the settlement with the defendant in a representative capacity as the next friend of and on behalf of his son, H.H.; and
5. That this case again is closed.

Dated May 8, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge