

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HOMERO MUNOZ, JR. and YESENIA
GONZALEZ,

Plaintiffs,

v.

Case No: 2:17-cv-478-FtM-38CM

FRANKIE SANCHEZ,

Defendant.

_____ /

ORDER¹

Before the Court is the parties' Joint Notice of Settlement. ([Doc. 39](#)). Plaintiffs Homero Munoz, Jr. and Yesenia Gonzalez, individually as next friend to N.M., a Minor, and A.M., a Minor, and Defendant Frankie Sanchez d/b/a/ Frankie Sanchez Trucking, Inc. have settled this case and are exchanging settlement documents that will include structured settlement plans for the minor children.

[Federal Rule of Civil Procedure 17\(c\)\(1\)](#) says a general guardian may sue on behalf of a minor. Florida law defines a natural guardian as a mother and father jointly, or a mother of a child born out of wedlock. [Fla. Stat. § 744.301\(1\)](#). A natural guardian may, "without the appointment, authority or bond if the amounts received in the aggregate do not exceed \$15,000, . . . [s]ettle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of

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any minor children.” Fla. Stat. § 744.301(2)(a). Here, Yesenia Gonzalez is the natural mother of N.M. and A.M. and is representing their interests in this suit. (Doc. 6 at ¶ 1). The Court, however, does not know the parties’ settlement amount to decide if a guardian *ad litem* needs to be appointed in this case.

Accordingly, it is now

ORDERED:

The parties must jointly advise the Court, in writing, on or before **September 14, 2018**, if the settlement amount exceeds \$15,000, to require a guardian *ad litem*.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of September 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record