

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

A.J., by and through next friend,)	
LORI DIXON, et al.,)	
)	
Plaintiffs,)	
)	No. 4:13-CV-1514 CAS
v.)	
)	
DONNELL W. TANKSLEY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Pending before the Court is Lori Dixon’s motion for appointment as next friend for the minor child, A.J., who is a plaintiff in this matter. Also pending is Shannon Mers’s motion for appointment as next friend for the minor children, D.M. and B.M., who are additional plaintiffs in this matter.

Federal Rule 17(c) provides for the appointment of a next friend or guardian ad litem to protect the interests of a minor party to litigation. The Rule provides:

Infants or Incompetent Persons. Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

Fed. R. Civ. P. 17(c).

A.J., D.M., and B.M. are minor children, and they cannot appear in this Court on their own behalf. Furthermore, no one has suggested that they have “a representative,” such as “a general guardian, committee, conservator, or other like fiduciary.” Id. Lori Dixon is the mother of A.J., and

Shannon Mers is the mother of D.M. and B.M.. Therefore, the Court finds Ms. Dixon and Ms. Mers are the appropriate persons to appoint as next friends for their respective children. Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990) (finding next friend must have some significant relationship with the real party in interest).

Accordingly,

IT IS HEREBY ORDERED that the motion for appointment of next friend for plaintiff A.J. is **GRANTED**. Ms. Lori Dixon is appointed as next friend for A.J. [Doc. 2]

IT IS FURTHER ORDERED that the motion for appointment of next friend for plaintiff D.M. is **GRANTED**. Ms. Shannon Mers is appointed as next friend for D.M. [Doc. 3]

IT IS FURTHER ORDERED that the motion for appointment of next friend for plaintiff B.M. is **GRANTED**. Ms. Shannon Mers is appointed as next friend for B.M. [Doc. 4]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of October, 2013.