

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 CV 269**

E.E. by and through his Next Friend)
MOLLY ESPEY,)
)
Plaintiff)
)
v)
)
EAGLES NEST FOUNDATION, d/b/a)
EAGLE’S NEST CAMP, THE OUTDOOR)
ACADEMY,)
)
Defendant.)

ORDER

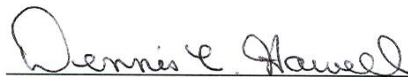
THIS MATTER came before the undersigned for hearing on October 14, 2016, pursuant to an Order (#41) entered by the undersigned directing the parties to be prepared to discuss whether or not Plaintiff could proceed without appointment of a guardian ad litem as required by Rule 17 of the Federal Rules of Civil Procedure and also to advise the Court of the legal status of Defendant. During the hearing of this matter, the Plaintiff advised the Court that Plaintiff would file a motion for the appointment of a guardian ad litem for the minor Plaintiff and further, the Plaintiff would move to amend the Complaint to allege the prosecution of this matter by the guardian ad litem of the Plaintiff and would further amend the Complaint to allege the appropriate name of Defendant, that being Eagles Nest Foundation as a nonprofit

corporation established under and by virtue of the laws of the State of North Carolina. Defendant's counsel advised that Defendant had no objection to the motion for appointment of guardian ad litem and did not have any objection to the amendment of the Complaint, as provided above.

ORDER

IT IS, THEREFORE, ORDERED that on or before **October 28, 2016**, Plaintiff shall file a motion for the appointment of a guardian ad litem for the minor Plaintiff, and on or before **November 4, 2016** Plaintiff shall file an amended complaint reflecting the prosecution of the complaint by the guardian ad litem and setting forth the legal status and appropriate name of Defendant.

Signed: October 20, 2016



Dennis L. Howell
United States Magistrate Judge

