

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 18-523-JFW(JCx)**

Date: November 27, 2018

Title: Andrew Mason Dvash-Banks, et al. -v- Rex W. Tillerson, et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (IN CHAMBERS):

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT
BE DISMISSED AS TO PLAINTIFF ETHAN JACOB
DVASH-BANKS**

Plaintiffs Andrew Mason Dvash-Banks (“Andrew”) and Ethan Jacob Dvash-Banks (“Ethan”) (collectively, “Plaintiffs”) filed a Complaint on January 22, 2018. The Complaint states that “Andrew brings this action in his individual capacity and on behalf of his son Ethan.” Complaint, ¶ 13. However, pursuant to Federal Rule of Civil Procedure 17(c), a guardian *ad litem* must be appointed for Ethan, who is a minor (*Id.*, ¶ 12), and there has been no guardian *ad litem* appointed for Ethan.

Accordingly, Plaintiffs are hereby ordered to show cause, in writing, no later than December 3, 2018, why this action should not be dismissed without prejudice as to Ethan for failure to appoint a guardian *ad litem*. See *Watson v. County of Santa Clara*, 468 F.Supp. 2d 1150, 1155 (dismissing without prejudice minor plaintiff’s case because no guardian *ad litem* was appointed pursuant to Rule 17(c)). No oral argument on this matter will be heard unless otherwise ordered by the Court. Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause.

If Plaintiffs file an *ex parte* application to appoint a guardian *ad litem* for Ethan with the Magistrate Judge assigned to this action on or before December 3, 2018, the Court will consider that a satisfactory response to the Order to Show Cause. Failure to respond to the Order to Show Cause will result in the dismissal without prejudice of this action as to Ethan.

IT IS SO ORDERED.