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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

ALLISON DAWN BLIXT and LUCAS :
ALEXANDER ZACCARI-BLIXT :
:
Plaintiffs, :
v. :
:
The UNITED STATES DEPARTMENT :
OF STATE and MICHAEL R. POMPEO :
in his official capacity as Secretary, U.S. :
Department of State :
:
Defendants. :

Civ. No. 1:18-cv-00124-EGS

***EX PARTE APPLICATION FOR
APPOINTMENT OF GUARDIAN
AD LITEM***

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 17(c)(2), Plaintiffs Allison Dawn Blixt (“Allison”) and Lucas Alexander Zaccari-Blixt (“Lucas”) respectfully submit this *ex parte* application for the appointment of Stefania Zaccari (“Stefania”) as the guardian *ad litem* for Lucas in connection with the above-captioned action. Allison and Stefania are married to each other and are Lucas’s legal parents.

Lucas is a minor child, who is four-years-old and, along with his parent Allison, are Plaintiffs in the above-captioned action. Plaintiffs assert causes of action arising out of Defendants’ unlawful and unconstitutional denial of Lucas’s applications for a Consular Report of Birth Abroad and U.S. passport.

In support of this application, Plaintiffs submit the accompanying declarations of Stefania and Elizabeth A. Cassidy and Plaintiffs’ supporting memorandum of points and authorities.

Dated: February 12, 2019

Respectfully submitted,

/s/ Elizabeth A. Cassidy
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The UNITED STATES DEPARTMENT :
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:
Defendants. :

Civ. No. 1:18-cv-00124-EGS

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
EX PARTE APPLICATION FOR
APPOINTMENT OF GUARDIAN
AD LITEM**

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs, Allison Dawn Blixt (“Allison”) and her son Lucas Alexander Zaccari-Blixt (“Lucas”), respectfully submit the accompanying *ex parte* application (the “Application”) for the appointment of Stefania Zaccari (“Stefania”) as guardian *ad litem* for Lucas in connection with the above-captioned action (the “Action”). In support of the Application, Plaintiffs submit the declarations of Stefania and Elizabeth A. Cassady and this memorandum of points and authorities.

Plaintiffs file this Application to appoint Stefania as guardian *ad litem* for Lucas. Lucas is a minor child, who is four-years-old, and, together with his parent Allison, are Plaintiffs in the Action. Stefania is Lucas’s other parent and is legally married to Allison.

Pursuant to Federal Rule of Civil Procedure 17(c)(2), Plaintiffs seek to have the Court appoint Stefania as Lucas’s guardian *ad litem* to represent Lucas’s interests in the litigation. *See Scott v. Dist. of Columbia*, 197 F.R.D. 10, 11 (D.D.C. 2000) (“[T]he court has inherent authority under [Federal Rule of Civil Procedure 17(c)] to appoint a guardian ad litem to represent the child” under certain circumstances.); *accord Principal Life Ins. Co. v. McMillan*, 2010 WL 2075873, at *2 (E.D.N.Y. May 21, 2010). “In making the determination concerning the appointment of a particular guardian ad litem, the court shall consider whether the minor and the guardian have divergent interests.” *Guerrero v. Brentwood Union Sch. Dist.*, 2014 WL 1028862, at *2 (N.D. Cal. Mar. 17, 2014). Here, Plaintiffs have submitted a declaration of Stefania attesting that she is able and willing to protect Lucas’s best interests in this Action. *See Phelan v. Brentwood Union Sch. Dist.*, 2012 WL 909294, at *2 (N.D. Cal. Mar. 16, 2012).¹

¹ As courts have recognized, “[a] parent may serve as guardian so long as the parent does not have an adverse interest.” *See, e.g., id.; J.M. v. Liberty Union High School Dist.*, 2016 WL 4942999, at *2 (N.D. Cal. Sept. 16, 2016).

Defendants in this Action are represented by Lisa Zeidner Marcus and Vinita B. Andrapalliyal of the United States Department of Justice. As is indicated in the accompanying Declaration of Elizabeth A. Cassady, Plaintiffs notified Defendants' counsel on February 4, 2019 of Plaintiffs' intent to file the Application. On February 6, 2019, Defendants stated that they do not oppose the appointment of Stefania as guardian *ad litem* for Lucas.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant the Application, appoint Stefania as guardian *ad litem* for Lucas for purposes of the Action, and award to Plaintiffs such other and further relief as the Court deems just and proper.

Dated: February 12, 2019

Respectfully submitted,

/s/ Elizabeth A. Cassady
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**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

ALLISON DAWN BLIXT and LUCAS	:	
ALEXANDER ZACCARI-BLIXT	:	
	:	
Plaintiffs,	:	Civ. No. 1:18-cv-00124-EGS
v.	:	
	:	DECLARATION OF ELIZABETH
The UNITED STATES DEPARTMENT	:	A. CASSADY IN SUPPORT OF <i>EX</i>
OF STATE and MICHAEL R. POMPEO	:	<i>PARTE</i> APPLICATION TO
in his official capacity as Secretary, U.S.	:	APPOINT GUARDIAN <i>AD LITEM</i>
Department of State	:	
	:	
Defendants.	:	

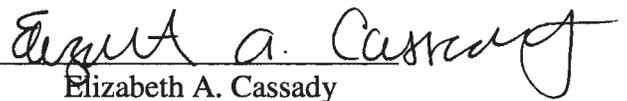
I, Elizabeth A. Cassady, declare as follows:

1. I am an attorney duly licensed by the District of Columbia and am admitted to practice before this Court. I am a special counsel at Sullivan & Cromwell LLP and am one of the attorneys representing Plaintiffs *pro bono* in the above-captioned action. I submit this declaration in support of Plaintiffs' *Ex Parte* Application For Appointment of Guardian *Ad Litem*, filed concurrently herewith. I have personal knowledge of the facts set forth in this declaration and, if called upon, could testify to those facts.

2. On February 4, 2019, I notified Defendants' counsel, Lisa Zeidner Marcus and Vinita B. Andrapalliyal, of Plaintiffs' intent to file an *ex parte* application for the appointment of Stefania Zaccari as guardian *ad litem* for Lucas Alexander Zaccari-Blixt in the above-referenced action. On February 6, 2019, Defendants' counsel informed me that Defendants do not oppose the *ex parte* application.

I declare under penalty of perjury under the laws of the District of Columbia and the United States of America that the foregoing is true and correct.

Executed on the 11 day of February, 2019, in Washington, D.C.


Elizabeth A. Cassady

I, Stefania Zaccari, declare as follows:

1. I submit this declaration in support of the application for my appointment as guardian *ad litem* for my son Plaintiff Lucas Alexander Zaccari-Blixt (“Lucas”), a minor, in order to prosecute a claim in the above-captioned action (“Action”). If called to testify, I would and could testify competently as to the facts described in this declaration.

2. I am one of Lucas’s parents. Lucas is a minor, who is four-years-old.

3. Lucas and I are both residents of England. Lucas resides with me in London, England, together with my wife and Lucas’s other parent, Allison Dawn Blixt (“Allison”), and with Massimiliano Axel Zaccari-Blixt, Lucas’s younger brother. Allison is the other Plaintiff in the Action. Lucas and I may be contacted by and through our counsel Elizabeth A. Cassidy, Sullivan & Cromwell LLP, 1700 New York Avenue, Suite 700, Washington, D.C. 20006.

4. Lucas has no appointed representative for purposes of the Action.

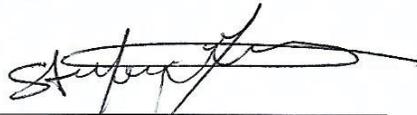
5. Lucas seeks to enforce certain causes of action resulting from the State Department’s denial of his applications for a Consular Report of Birth Abroad and U.S. passport. In this Action, Allison and Lucas assert that the State Department denied these applications pursuant to an unlawful and unconstitutional interpretation of the Immigration and Nationality Act.

6. I have no interests adverse to the rights of Lucas, am not connected in business with Defendants, and am fully competent and responsible to prosecute the Action on Lucas’s behalf. I understand that if the Court grants the application to appoint me as Lucas’s guardian *ad litem* in this Action, my responsibility in that capacity is to protect Lucas’s interests in the Action. I believe that I can do that fairly and responsibly.

7. Wherefore, I respectfully request to be appointed guardian *ad litem* for Lucas for the purpose of prosecuting Lucas's claims in this Action against the State Department and the Honorable Michael R. Pompeo in his official capacity as Secretary of State.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 11th day of February, 2019, at London, England.



Stefania Zaccari

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ALEXANDER ZACCARI-BLIXT	:	
	:	
Plaintiffs,	:	Civ. No. 1:18-cv-00124-EGS
v.	:	
	:	[PROPOSED] ORDER GRANTING
The UNITED STATES DEPARTMENT	:	EX PARTE APPLICATION FOR
OF STATE and MICHAEL R. POMPEO	:	APPOINTMENT OF GUARDIAN
in his official capacity as Secretary, U.S.	:	AD LITEM
Department of State	:	
	:	
Defendants.	:	

Presently before the Court is Plaintiffs' *Ex Parte* Application For Appointment of Guardian *Ad Litem* for minor Plaintiff Lucas Alexander Zaccari-Blixt.

Good cause appearing, the Court GRANTS Plaintiffs' motion and Stefania Zaccari is hereby appointed as the guardian *ad litem* for Lucas Alexander Zaccari-Blixt in the above-captioned action.

IT IS SO ORDERED.

Dated: _____

The Honorable Emmett G. Sullivan
United States District Court