

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Metropolitan Life Insurance Company v. Concepcion Flores Molina,
et al.

Molina · No. 1:23-cv-01553-CDB · Decided October 23, 2025

SUMMARY

The United States District Court for the Eastern District of California granted the renewed motion to appoint Dawn Harris as guardian ad litem for Lupe C. Flores, whom the Court had previously found incompetent to pursue the action. The Court found that Harris, Flores’s daughter and attorney-in-fact, was competent and qualified to serve and authorized her to prosecute the action on Flores’s behalf. The Court also directed the parties to meet and confer and submit proposed dates for a status conference within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Christopher D. Baker
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 23, 2025
DOCKET	1:23-cv-01553-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Renewed motion for appointment of a guardian ad litem for cross-defendant Lupe C. Flores after the court previously found her incompetent to pursue the action and ordered a renewed application identifying a suitable guardian.
STANDARD OF REVIEW	The appointment of a guardian ad litem is ordinarily committed to the sound discretion of the trial court.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation

TOPICS

- guardian ad litem
- guardianship procedure
- guardianships
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Dawn Harris should be appointed guardian ad litem for incompetent cross-defendant Lupe C. Flores under Federal Rule of Civil Procedure 17(c)(2) and Eastern District of California Local Rule 202(a).
2. Whether Lupe C. Flores, through a non-attorney guardian ad litem, must be represented by counsel to continue litigating the action.

HOLDINGS

1. Dawn Harris satisfied the requirements for appointment as guardian ad litem because Flores had been found incompetent, Harris was willing and qualified to serve, and the record did not show an impermissible conflict of interest.
2. A party represented by a non-attorney guardian ad litem must be represented by counsel in order to litigate the case.

KEY QUOTATIONS

“A Court shall take whatever measures it deems appropriate to protect the interests of the individual during the litigation.” (at 2)

“The guardian need not possess any special qualifications, but must “be truly dedicated to the best interests of the person on whose behalf he seeks to litigate.”” (at 2)

“However, as is the case here, a party with a non-attorney guardian ad litem must have counsel in order to litigate a case.” (at 5)

FACTUAL BACKGROUND

The court had previously determined after a competency hearing that Lupe C. Flores was incompetent to pursue the action. Dawn Harris, Flores's daughter, sought appointment as guardian ad litem and submitted healthcare and durable powers of attorney, medical documentation, and a supplemental declaration stating that she was unaware of any conflict of interest. No opposition to the renewed motion was filed.

PROCEDURAL HISTORY

Following a competency hearing on January 17, 2025, the court found Lupe C. Flores incompetent to pursue the action under Federal Rule of Civil Procedure 17 and stayed the case. After several prior unsuccessful applications, Dawn Harris, Flores's daughter and holder of her healthcare and durable powers of attorney, filed a renewed request to serve as guardian ad litem and submitted a supplemental declaration. The court granted the motion, appointed Harris, directed the clerk to update the docket, and ordered the parties to meet and confer regarding a status conference.

DISPOSITION

other

CASES CITED

- Jurgens v. Dubendorf, No. 2:14-cv-2780-KJM-DAD, 2015 WL 6163464, at *3 (E.D. Cal. Oct. 19, 2015)
- United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cnty., State of Wash., 795 F.2d 796 (9th Cir. 1986)
- AT&T Mobility, LLC v. Yeager, 143 F. Supp. 3d 1042, 1054 (E.D. Cal. 2015)
- Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990)
- Elliott v. Versa CIC, L.P., 328 F.R.D. 554, 556 (S.D. Cal. 2018)
- Johns v. County of San Diego, 114 F.3d 874, 876 (9th Cir. 1997)

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