

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Metropolitan Life Insurance Company v. Concepcion Flores Molina

Molina · No. 1:23-cv-01553-CDB · Decided September 24, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Dawn Harris’s filing as a renewed motion to appoint her as guardian ad litem for Lupe C. Flores, whom the Court had previously found incompetent to pursue the action. The Court directed Harris to submit a supplemental declaration addressing conflicts of interest, her qualifications, and her discussion with opposing counsel by October 10, 2025. The Court also vacated the prior requirement that Lupe Flores file a status report every 90 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 24, 2025
DOCKET	1:23-cv-01553-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Order construing a notice requesting appointment of a guardian ad litem as a renewed motion and directing the proposed guardian ad litem to submit a supplemental declaration.
STANDARD OF REVIEW	Appointment of a guardian ad litem is ordinarily committed to the sound discretion of the trial court.
PRECEDENTIAL VALUE	Unpublished district court order; no precedential designation stated.

TOPICS

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

PRACTICE AREAS

- civil procedure
- guardianship procedure
- guardianships

QUESTIONS PRESENTED

1. Whether Dawn Harris's notice and supporting documents should be construed as a renewed motion for appointment of a guardian ad litem for Lupe C. Flores.
2. What information the proposed guardian ad litem must provide to permit the court to determine whether the appointment would adequately protect Flores's interests.
3. Whether the prior order requiring Lupe Flores to file status reports every 90 days should remain in effect.

HOLDINGS

1. Because Dawn Harris represented that she was willing to serve as guardian ad litem and submitted documents concerning her authority and relationship with Lupe Flores, the court construed the filing as a renewed motion for appointment of guardian ad litem.
2. Before deciding whether to appoint Harris as guardian ad litem, the court required a declaration under penalty of perjury addressing whether she has conflicts of interest, can competently testify and understand and protect Flores's rights, and has discussed the proposed appointment with opposing counsel.
3. The court vacated the existing order requiring Lupe Flores to file a status report every 90 days, subject to resetting the requirement as necessary.

KEY QUOTATIONS

“The court is under a ‘legal obligation’ to consider whether an incompetent person is adequately protected.”
(at 1)

“The appointment of the guardian ad litem is more than a mere formality.” (at 2)

“be truly dedicated to the best interests of the person on whose behalf he seeks to litigate.” (at 2)

FACTUAL BACKGROUND

Lupe C. Flores was found incompetent to pursue the action. Her daughter, Dawn Harris, filed a notice requesting appointment as guardian ad litem and submitted healthcare and durable powers of attorney, medical letters, and a health-information authorization. Harris represented that she was willing to serve and would confer with counsel for Cross-Plaintiff Concepcion Flores Molina.

PROCEDURAL HISTORY

Lupe C. Flores previously filed six motions seeking appointment of a guardian ad litem, all of which were denied. After a January 17, 2025 hearing, the court determined that Flores was incompetent to pursue the action under Federal Rule of Civil Procedure 17, stayed the case, and ordered periodic status reports concerning her condition and search for a guardian ad litem. Dawn Harris, Flores's daughter and power of attorney, then filed a notice stating that she was willing to serve as guardian ad litem; the court treated the filing as a renewed motion, ordered a supplemental declaration, and vacated the prior 90-day status-report requirement.

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, 804-05 (9th Cir. 1986)
- Davis v. Walker, 745 F.3d 1303, 1310 n.6 (9th Cir. 2014)
- 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)

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