

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Metropolitan Life Insurance Company v. Molina

Metropolitan Life Insurance Co. v. Molina, No. 1:23-cv-01553-CDB (E.D. Cal. Mar. 11, 2025) · No. 1:23-cv-01553-CDB · Decided March 11, 2025

SUMMARY

The United States District Court for the Eastern District of California found Cross-Defendant Lupe C. Flores incompetent to pursue the action under Federal Rule of Civil Procedure 17, applying North Carolina competency law. The court denied renewed motions for appointment of a guardian ad litem and counsel because no suitable person had been identified, stayed the action, and required status reports every 90 days. The court permitted Flores to renew her guardian ad litem motion upon identifying a willing and suitable candidate.

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	March 11, 2025
DOCKET	1:23-cv-01553-CDB
DISPOSITION	other
PROCEDURAL POSTURE	In an ongoing federal action, Cross-Defendant Lupe C. Flores renewed motions for appointment of a guardian ad litem and counsel. After conducting a competency hearing, the court found Flores incompetent to pursue the action, denied the renewed motions because no suitable willing guardian ad litem or counsel had been identified, stayed the action, and ordered periodic status reports.
STANDARD OF REVIEW	The court applied the law of the individual's domicile to determine competency under Federal Rule of Civil Procedure 17(b)(1), while using procedures satisfying federal due process. A competency hearing is required when substantial evidence of incompetence is presented, and the decision whether to appoint a guardian ad litem is committed to the district court's broad discretion.
PRECEDENTIAL VALUE	unpublished_nonprecedential

TOPICS

guardianship procedure

guardian ad litem

guardianships

civil procedure

PRACTICE AREAS

civil procedure

guardianships

elder law

QUESTIONS PRESENTED

1. Whether Flores was incompetent to pursue the action under Federal Rule of Civil Procedure 17 and applicable North Carolina law.
2. Whether the court was required to appoint a guardian ad litem or counsel after finding Flores incompetent.
3. Whether the action should be stayed and subject to periodic case-management reports while the court sought a suitable guardian ad litem or counsel.

HOLDINGS

1. Flores was incompetent to pursue the action because the medical evidence, her declarations, and the testimony at the competency hearing established that her logopenic primary progressive aphasia significantly impaired her communication, comprehension, and ability to make informed decisions concerning her affairs.
2. The court denied the renewed motions for appointment of a guardian ad litem and counsel because no suitable individual willing and able to serve had been identified, while preserving the ability to appoint one when an appropriate person is located.
3. The action was stayed pending identification and appointment of a suitable guardian ad litem or counsel, with Flores permitted to renew her motion when she identifies a willing guardian ad litem.

KEY QUOTATIONS

“The standard for determining competency is supplied by the law of the individual’s domicile.” (Opinion at governing-law section)

“Under Rule 17(c), a district court must hold a competency hearing “when substantial evidence of incompetence is presented.”” (Opinion at governing-law section)

“A[n] incompetent person who does not have a duly appointed representative may sue by a next friend or by guardian ad litem. The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.” (Opinion at governing-law section)

FACTUAL BACKGROUND

Lupe C. Flores was domiciled in North Carolina and had submitted medical letters, declarations, and records describing logopenic primary progressive aphasia, dementia, cognitive deficits, and impaired ability to understand, communicate, and make informed decisions. At the January 17, 2025 competency hearing, the court questioned Flores about her condition and ability to represent herself and questioned Dawn Harris about serving

as guardian ad litem; Harris declined to serve. The court also attempted to locate a willing guardian ad litem or counsel through pro bono and legal-aid resources but had not found anyone willing to serve.

PROCEDURAL HISTORY

Flores filed successive motions seeking appointment of a guardian ad litem and counsel. The court denied earlier motions without prejudice for failure to provide substantial evidence of incompetence, confer with Cross-Plaintiff Concepcion Molina, identify a willing candidate, and comply with Local Rule 202. Following additional medical submissions and a January 17, 2025 competency hearing, the court issued this amended order finding Flores incompetent, denying the renewed motions, staying the action, and requiring reports every 90 days.

DISPOSITION

other

CASES CITED

- Tarlton v. Town of Red Springs, No. 5:15-CV-451-BO, 2017 WL 4782641 (E.D.N.C. Oct. 23, 2017)
- Matter of M.S.E., 378 N.C. 40, 44
- Nicholson v. Zimmerman, No. 1:19CV585, 2020 WL 5518701 (M.D.N.C. Sept. 14, 2020)
- In re Ivers, No. 19-20026-E-13, 2019 WL 6033198 (Bankr. E.D. Cal. Nov. 8, 2019)
- Allen v. Calderon, 408 F.3d 1150, 1152-1154 (9th Cir. 2005)
- Ferrelli v. River Manor Health Care Ctr., 323 F.3d 196, 203 (2d Cir. 2003)
- Thomas v. Humfield, 916 F.2d 1032, 1034 (5th Cir. 1990)
- Hoang Minh Tran v. Gore, No. 10cv464-GPC (DHB), 2013 WL 1625418 (S.D. Cal. Apr. 15, 2013)
- AT&T Mobility, LLC v. Yeager, 143 F. Supp. 3d 1042, 1042 (E.D. Cal. 2015)
- United States v. 30.64 Acres of Land, 795 F.2d 796, 805 (9th Cir. 1986)
- Davis v. Walker, 745 F.3d 1303, 1310 (9th Cir. 2014)
- Johns v. County of San Diego, 114 F.3d 874, 877 (9th Cir. 1997)
- Stoner v. Santa Clara County Office of Education, 502 F.3d 1116, 1127 (9th Cir. 2007)
- Byrd on behalf of Byrd v. United States, No. 1:20-CV-03090-LMM, 2021 WL 5033826 (N.D. Ga. July 19, 2021)