

PARTIES PLAINTIFF AND DEFENDANT; CAPACITY

17.01: *Representation.* Representation of minor and incompetent parties in a civil action shall be in accordance with Fed. R. Civ. P. 17(c). Appointments of guardians ad litem by any state court shall satisfy the requirements of the Federal Rules of Civil Procedure unless the Court finds that the interests of the parties so represented are not being adequately protected.

17.02: *Settlement or Dismissal of Actions.* No civil action to which a minor or incompetent person is a party shall be compromised, settled, discontinued, or dismissed without an Order of Approval entered by the Court. It shall be the responsibility of counsel for the minor or incompetent parties to prepare a proposed Order of Approval for submission to the Court. The Order of Approval shall bear the written consent of (1) counsel for all the parties to the action; (2) the legal representative of minor or incompetent parties; and (3) in the case of minors, at least one of the natural parents or persons standing *in loco parentis*. Unless otherwise ordered by the Court, the Order of Approval shall contain statements as to the following:

- (A) That all parties are properly represented and are properly before the Court, that no questions exist as to misjoinder or nonjoinder of parties, and that the Court has jurisdiction over the subject matter and the parties;
- (B) If the minor or incompetent parties are plaintiffs, a summary of contentions sufficient to show that the complaint states a claim upon which relief can be granted; if the minor or incompetent parties are defendants, a statement of contentions sufficient to show that no affirmative defenses could clearly be raised in bar of recovery;
- (C) A summary of services rendered by counsel for the minor or incompetent parties, along with an opinion as to the fairness and reasonableness of the settlement, if any; and
- (D) In cases involving claims for personal injuries asserted by minor or incompetent parties, an estimate of actual and foreseeable medical, hospital and related expenses, and a statement by an examining physician setting forth the nature and extent of the plaintiff's injuries, extent of recovery, and prognosis.

17.03: *Approval of Counsel Fees and Payment of Judgments.* In its Order of Approval, the Court shall approve or fix the amount of the fee to be paid to counsel for the minor or incompetent parties and make appropriate provision for the payment thereof. The Order of Approval shall also provide the manner in which judgments, if any, are to be paid and may make specific provisions for the payment of medical, hospital, and similar expenses when allowed by applicable law.