

**From:** Jay Lefkowitz [REDACTED]

**To:** [REDACTED]

**Subject:** Re:

**Date:** Mon, 24 Sep 2007 00:38:59 +0000

**Importance:** Normal

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You may want to consider simply appointing a representative. We would agree to someone you considered appropriate. I am just not sure the guardian is the right procedural vehicle. Anyway, we can keep looking into that question tonight. It won't hold things up.

----- Original Message -----

**From:** [REDACTED]

**Sent:** 09/23/2007 08:37 PM AST

**To:** Jay Lefkowitz

**Subject:** RE:

A trustee means there is a trust that has been approved by a court and that the court has appointed a trustee. That doesn't apply here. I cannot bind the girls to a trust. If a guardian is appointed, the girls elect to use him as their attorney and they all agree that a trust is in their best interests, that is their decision, not mine. I would not be making the motion for appointment of the guardian under 17(c) anyway.

-----Original Message-----

**From:** Jay Lefkowitz [mailto:[REDACTED]]

**Sent:** Sunday, September 23, 2007 8:35 PM

**To:** [REDACTED]

**Subject:**

See below - a trustee might be more appropriate.

Federal rule of civil procedure 17(c):

(c) Infants or Incompetent Persons.

Whenever an infant or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

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