

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

YOLANDA FREDERICK,

Plaintiff,

-vs-

WAL-MART, INC, et al.,

Defendants.

:

Case No. 3:11-cv-288

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

**DECISION AND ORDER DENYING MOTION TO SUBSTITUTE
PARTY WITHOUT PREJUDICE**

This case is before the Court on Plaintiff's Motion to Substitute "the name of Anne Thomas for Jane Doe, Defendant" (Doc. No. 29). Because the identity of Jane Doe has apparently been known to Defendants' counsel for some time, it might reasonably be expected that Defendants' counsel would consent to the Motion. However, the Motion does not show compliance with S. D. Ohio Civ. R. 7.3 in that it does not show that Plaintiff's counsel sought that consent.

The Motion is denied for non-compliance with S. D. Ohio Civ. R. 7.3 without prejudice to its refiling after compliance. If Plaintiff refiles and Defendants oppose the Motion, they shall file their memorandum in opposition within forty-eight hours of the filing of Plaintiff's renewed motion, given the short time left on the case management schedule for this case.

April 25, 2013.

s/ *Michael R. Merz*
United States Magistrate Judge