

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 12-5057

KAREN AUDAY,

Plaintiff - Appellant,

v.

WET SEAL RETAIL, INC.,

Defendant - Appellee.

Before: SUTTON, GRIFFIN and WHITE, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Eastern District of Tennessee at Chattanooga.THIS CAUSE was heard on the record from the district court and was argued by  
counsel.IN CONSIDERATION WHEREOF, it is ORDERED that the judgment is  
VACATED, and the case is REMANDED to the district court for the purpose either of  
dismissing the case without prejudice or of allowing Auday to amend the complaint to  
substitute the Trustee as the plaintiff.**ENTERED BY ORDER OF THE COURT**

Deborah S. Hunt, Clerk

**FILED**  
*Oct 25, 2012*  
DEBORAH S. HUNT, Clerk