

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

COMBINED INSURANCE COMPANY  
OF AMERICA,

Plaintiff,

vs.

DAVID W. THOMAS and  
DEBBIE L. THOMAS,

Defendants.

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No. 3:12CV00254 SWW

**Order**

Before the Court is plaintiff's motion to stay proceedings indefinitely as to separate defendant David W. Thomas.<sup>1</sup> Plaintiff states its claims against Debbie L. Thomas already have been automatically and indefinitely stayed as a result of a bankruptcy petition she filed on September 9, 2013.<sup>2</sup>

Plaintiff also moves the Court for an extension of time to file a motion to substitute following the death of a party. Rule 25(a)(1) of the Federal Rules of Civil Procedure provides that such a motion must be made "within 90 days after service of a statement noting the death." Because plaintiff, through no fault of its own, has been unable to identify the appropriate successor to David Thomas, the Court will grant its motion for an extension of time for filing a motion to substitute a proper party

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<sup>1</sup>Plaintiff filed this motion on September 16, 2013, and, according to Local Rule 7.2, Debbie Thomas has 14 days from the date of service to respond. However, neither defendant has filed a response to anything filed in this case since the Court granted their attorney's motion to withdraw on May 13, 2013. Because the case is set for trial next week, the Court determined to enter this Order without waiting the full 14 days for a response from Debbie Thomas.

<sup>2</sup>Separate defendant Debbie Thomas failed to file a notice of bankruptcy with this Court pursuant to Local Rule 2072-1 of the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas. However, plaintiff attached a notice of bankruptcy she served on it. See ECF No. 58, Ex. A.

for him.

IT IS THEREFORE ORDERED that the motion to stay and for an extension of time [ECF No. 55] is hereby granted. This matter is stayed indefinitely. The Clerk is directed to administratively terminate this case. The trial set to begin October 7, 2013, is cancelled. Plaintiff is directed file a status report or motion to lift the stay no later than October 1, 2014.

The Clerk is directed to serve this Order on Debbie Thomas by both regular and certified mail, return receipt requested.

SO ORDERED this 30th day of September, 2013.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE