

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

LEONARD RICHARDSON

Plaintiff

VS.

CITY OF DERMOTT, ARKANSAS,
 ET AL,

Defendants

NO: 5:08CV100 SWW

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ORDER

On January 19, 2009, Defendants filed a suggestion of death in this case, stating that Plaintiff Leonard Richardson is deceased. Pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, by order entered March 24, 2009, the Court stayed this case pending the 90-day period for filing a motion for substitution of parties.

Now before the Court is a letter from the deceased plaintiff's counsel of record requesting an extension, up to and including August 18, 2009, of the period for filing a motion for substitution.¹ Counsel reports that he only recently located the deceased plaintiff's son, Sasha Richardson, who is currently serving military duty in Korea.² Counsel states that he wrote

¹Counsel submitted the letter before the expiration of the initial 90-day period for filing a motion for substitution.

²The Servicemembers Civil Relief Act of 2003 ("SCRA"), formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940, provides that a servicemember who is either the plaintiff or the defendant in a civil lawsuit may request a stay of a court proceeding in which he or she is a party. *See* 50 App. U.S.C. § 522. Although the issue is not presently before the Court,

Richardson a letter informing him of this proceeding, but Richardson has not responded.

Counsel asserts that Richardson should receive an opportunity to pursue this case and that good cause exists for extending the 90-day period. By letter to the Court, counsel for Defendants states that Defendants oppose the requested extension.

After careful consideration, the Court finds that counsel's request should be granted in part. IT IS THEREFORE ORDERED that the deadline for filing a motion for substitution of parties is extended up to and including June 30, 2009. IT IS FURTHER ORDERED that Defendant's motion for summary judgment (docket entry #11) is DENIED WITHOUT PREJUDICE to Defendant's right to resubmit the motion if the stay is lifted.

IT IS SO ORDERED THIS 14TH DAY OF MAY, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

if Sasha Richardson is substituted as plaintiff, he may qualify for relief under the SCRA.