

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TERRELL PANKEY and
SMITH COUNTY STONE, LLC

PLAINTIFFS

VS.

Civil No. 4:13-cv-4046

WESTERN ARKANSAS ROCK, INC., et al

DEFENDANTS

ORDER

Before the Court is Plaintiffs' Motion to Substitute Party. (ECF No. 64). The Court has been notified of the death of Defendant Billy Joe Duffield, and his death was suggested upon the record on August 20, 2014. Pursuant to Federal Rule of Civil Procedure 25, Plaintiffs request that Mable Ernestine Duffield, Administratrix of Billy Joe Duffield's estate, be substituted for Defendant Billy Joe Duffield. The Court has been notified that Billy Joe Duffield's counsel, Tony DiCarlo, has no objection to the motion to substitute. (ECF No. 72). Mr. DiCarlo will serve as counsel for the Estate of Billy Joe Duffield.

Upon consideration, the Court is satisfied that good cause for the motion has been shown. Accordingly, the Court finds that the motion (ECF No. 64) should be and hereby is **GRANTED**. Mable Ernestine Duffield, representative of the estate of Billy Joe Duffield, shall be substituted for Defendant Billy Joe Duffield in this matter.

Defendant Billy Joe Duffield's Motion to Withdraw (ECF No. 72) his Motion to Dismiss (ECF No. 65) should be and hereby is **GRANTED**.

IT IS SO ORDERED, this 8th day of September, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge