

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

JOHN JOHNSON

PLAINTIFF

V.

CASE NO. 14-CV-04110

WRIGHT'S GLASS CO., L.L.C.;
WRIGHT'S GLASS CO. #2, L.L.C.;
LORIE PAGE; JOHNNY PAGE; and
JONATHAN P. PEDRON

DEFENDANTS

ORDER

Before the Court is Plaintiff's Motion to Revive and Substitute, filed on February 1, 2017. ECF No. 32. Plaintiff's Counsel requests that the Administrator of John Johnson's estate, Jesse Rivas Johnson, be substituted for Plaintiff John Johnson in this action. Federal Rule of Civil Procedure 25 provides, in relevant part:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

FED. R. CIV. P. 25(a)(1).

Plaintiff's Counsel filed a Suggestion of Death on November 3, 2016, notifying the Court of the death of Plaintiff. ECF No. 31. Plaintiff's Counsel filed the present motion on the ninetieth day after filing the Suggestion of Death. Accordingly, the Court finds that Plaintiff's Motion to Revive and Substitute (ECF No. 32) should be and hereby is **GRANTED**. The Clerk of Court is hereby directed to terminate John Johnson as the Plaintiff in this action and substitute Jesse Rivas Johnson, Administrator of the Estate of John Johnson, as Plaintiff.

IT IS SO ORDERED, this 23rd day of February, 2017.

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