

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

WILLIE M. TAYLOR

PLAINTIFF

v.

Case No. 4:19-cv-4129

KANSAS CITY SOUTHERN RAILWAY COMPANY

DEFENDANT

ORDER

Before the Court is Plaintiff's Motion to Suspend the Scheduling Order. (ECF No. 35). Defendant filed a response. (ECF No. 36). The Court finds the matter ripe for consideration.

On April 9, 2021, Plaintiff filed the instant motion to suspend the scheduling order due to the recent death of Plaintiff, Willie M. Taylor. The trial is currently set for April 18, 2022, with the discovery deadline set for December 19, 2021. (ECF No. 33). The parties are set to meet on September 20, 2021, to make their initial expert disclosures. Pursuant to Federal Rule of Civil Procedure 25, a motion for substitution may be made by any party or by the decedent's successor or representative and must be made within ninety (90) days after service of a statement noting death. Fed. R. Civ. P. 25. On April 5, 2021, Plaintiff filed a Notice of Death of Plaintiff. (ECF No. 34). Pursuant to FRCP 25, Plaintiff has until **July 4, 2021**, to substitute a party in place of Mr. Taylor. The Court does not find that suspending the current scheduling order would alleviate the substitution deadline, and thus would only cause further delay in the proceedings.

Accordingly, the Court finds that the instant motion should be and hereby is **DENIED**. The Scheduling Order (ECF No. 33) will remain in effect.

IT IS SO ORDERED, this 28th day of April, 2021.

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