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MARICIA JANE MERTA and STEVEN) Case No. CV 03-04612 DDP (MANx)
MERTA,)
Plaintiffs,) **ORDER DENYING DEFENDANTS' MOTION**
v.) **TO DISMISS**
AYERST LABS, INC., et al.,) [Docket No. 34]
Defendants.)

18 Presently before the court is Defendants' Motion to Dismiss
19 pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure.
20 Plaintiff's failure to file a valid substitution of parties is
21 attributable to excusable neglect. Accordingly, Defendants' Motion
22 is DENIED without prejudice and Plaintiff is instructed to file a
23 motion to substitute Steven Merta for Marcia Jane Merta within
24 thirty (30) days of the entry of this order.

25 || TT TS SO ORDERED.

26 | Dated: June 18, 2012

Dean D. Pregerson
DEAN D. PREGERSON
United States District Judge