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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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

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

IT IS SO ORDERED.

Dated: June 18, 2012

  
 DEAN D. PREGERSON  
 United States District Judge