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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

VIOLA COPPOLA, GARY COPPOLA, and  
THE TRUST OF ANTHONY M. COPPOLA,

Plaintiffs,

v.

GREGORY SMITH, an individual,  
RICHARD LASTER, an individual, JANE  
NASH AS TRUSTEE OF THE JANE  
HIGGINS NASH TRUST, JANE NASH AS  
EXECUTOR OF THE ESTATE OF  
DECATUR HIGGINS A/K/A THE ESTATE  
OF MABEL ELAINE HIGGINS,

Defendants.

GREGORY SMITH, individually, and doing  
business as PARAGON CLEANERS,

Counter-Complainant  
and Cross-Complainant,

v.

VIOLA COPPOLA, GARY COPPOLA, THE  
TRUST OF ANTHONY M. COPPOLA, JANE  
HIGGINS NASH, AS TRUSTEE OF THE  
TRUST IN THE ESTATE OF MABEL  
ELAINE HIGGINS, Deceased, A/K/A THE  
TRUST IN THE ESTATE OF MABEL  
ELAINE HIGGINS, Deceased

Counter-Defendants  
and Cross-Defendants.

THE JANE HIGGINS NASH TRUST,

Cross-Complainant,

v.

GREGORY SMITH, RICHARD LASTER,  
and DOES 1-100, inclusive,

Cross-Defendants.

Case No. 1:11-cv-01257-AWI-BAM

**ORDER GRANTING SUBSTITUTION  
OF PLAINTIFF VIOLA COPPOLA**

1 Currently before the Court is the motion of Gary Coppola as Successor Trustee of the Viola  
2 M. Coppola Irrevocable Trust to substitute itself on behalf of and in place of decedent Plaintiff Viola  
3 Coppola. (Doc. 205.) Defendants have each filed a statement of non-opposition. (Doc. 207, 208,  
4 209, 210, 211, 212.) The Court deemed the matter suitable for decision without oral argument and  
5 took the motion under submission.

6 On January 15, 2014, Plaintiff Viola Coppola died. (Geben Decl., Ex. A, Doc. 205.) Federal  
7 Rule of Civil Procedure, Rule 25(a)(1) provides that “if a party dies and the claim is not  
8 extinguished, the court may order substitution of the proper party.” The Viola M. Coppola  
9 Irrevocable Trust is Ms. Coppola’s successor-in-interest and the representative of her trust is Gary  
10 Coppola, as Successor Trustee. (Geben Decl., Ex. B, Doc. 205.) Therefore, Gary Coppola as  
11 Successor Trustee of the Viola M. Coppola Irrevocable Trust is the proper party to substitute into  
12 this action on behalf of Ms. Coppola. Moreover, no party suggests that Ms. Coppola’s death  
13 extinguished her claims.

14 Having considered the parties’ briefs and the entire record in this case, motion to substitute  
15 Gary Coppola as Successor Trustee of the Viola M. Coppola Irrevocable Trust on behalf and in place  
16 of decedent plaintiff Viola Coppola is GRANTED.

17 The Court FURTHER ORDERS that the parties’ Answers and Counter-claims filed against  
18 Plaintiff Viola Coppola in response to the Fifth Amended Complaint be deemed Answers and  
19 Counter-Claims filed by those same parties against the Viola M. Coppola Irrevocable Trust.

20 IT IS SO ORDERED.

21  
22 Dated: April 16, 2014

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE