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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 THOMAS T. HAWKER, et al.,

12 Plaintiffs,

13 v.

14 BANCINSURANCE, INC., et al.,

15 Defendants.
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Case No. 1:12-cv-01261-SAB

ORDER GRANTING MOTION TO
SUBSTITUTE

ECF NO. 149

17 On February 24, 2015, Defendant BancInsure, Inc. (“BancInsure”) filed a motion to
18 substitute John D. Doak, as defendant in this action. (ECF No. 149.) BancInsure informs the
19 Court that Mr. Doak, the Oklahoma State Insurance Commissioner, was appointed as receiver for
20 Red Rock Insurance Company, formerly known as BancInsure, Inc. In liquidation proceedings
21 in Oklahoma state court, all of Red Rock Insurance Company’s rights and interests were
22 transferred to Mr. Doak as the receiver of Red Rock Insurance Company.

23 On March 12, 2015, Plaintiff Federal Deposit Insurance Corporation filed a notice of
24 non-opposition to BancInsure’s motion. (ECF No. 152.)

25 Federal Rule of Civil Procedure 25(c) states that “[i]f an interest is transferred, the action
26 may be continued by or against the original party unless the court, on motion, orders the
27 transferee to be substituted in the action or joined with the original party.” In accordance with
28 Rule 25(c), the Court orders the transferee in this case, insurance commissioner John D. Doak as

1 receiver of Red Rock Insurance Company, f/k/a BancInsure, Inc., to be substituted in this action
2 in place of BancInsure. See In re Bernal, 207 F.3d 595, 598 (9th Cir. 2000) (substitution under
3 Rule 25(c) left to the court's sound discretion).

4 Although the other parties to this action have consented to the jurisdiction of a United
5 States Magistrate Judge for all purposes, incoming defendant John D. Doak has not.
6 Accordingly, the Court will order Mr. Doak to file a consent form indicating whether or not he
7 consents to the jurisdiction of a United States Magistrate Judge for all purposes. See 28 U.S.C. §
8 636(c)(1).

9 Accordingly, it is HEREBY ORDERED that:

- 10 1. The hearing on BancInsure's motion to substitute scheduled for March 25, 2015
11 at 10:00 a.m. in Courtroom 9 (SAB) before United States Magistrate Judge
12 Stanley A. Boone is VACATED and the parties shall not appear at that time;
- 13 2. BancInsure's motion to substitute John D. Doak as defendant in this action is
14 GRANTED;
- 15 3. John D. Doak, insurance commissioner as receiver for Red Rock Insurance
16 Company, f/k/a BancInsure, Inc. is substituted for BancInsure, Inc. as defendant
17 in this action for all purposes; and
- 18 4. Within fourteen (14) days of the date of service of this order, Defendant Doak
19 shall file a consent form indicating whether or not he consents to the jurisdiction
20 of a United States Magistrate Judge for all purposes.

21 IT IS SO ORDERED.

22 Dated: March 16, 2015

23 
24 UNITED STATES MAGISTRATE JUDGE
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