

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Defendants.

) Case No.: 1:13-cv-01051 - LJO - JLT  
)  
) ORDER DIRECTING PLAINTIFFS TO FILE  
) SUPPLEMENTAL BRIEFING  
)  
)  
)  
)  
)  
)

Notably, Merri Silva is the surviving spouse of Salvador Silva, and given she is the sole heir to the community property of the marriage and one of the heirs to Mr. Silva's separate property, seemingly, she has a superior right to prosecute the action that Mr. Silva's son. Further, from

1 reviewing the record it is not clear whether Judy Silva, the paternal aunt of the minor plaintiffs, has the  
2 same or inferior interest as Chris Silva as a successor in interest.

3 In addition, Plaintiffs did not brief why they believe Chris Silva has a superior interest.  
4 Consequently, the Court is unable to determine that Chris Silva is the proper party to be substituted for  
5 Mr. Silva, as required by Rule 25 without further information.

6 Accordingly, **IT IS HEREBY ORDERED:** Plaintiffs **SHALL** provide supplemental briefing  
7 within seven days of the date of service of this order explaining why Chris Silva has the superior right  
8 to maintain this action and should be substituted for Mr. Silva.

9  
10 IT IS SO ORDERED.

11 Dated: **June 25, 2015**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE