

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAMELA MOTLEY; ESTATE OF CINDY RAYGOZA, through its legal representative and administrator, YVETTE CALDERA; YVETTE CALDERA; VALERIE CALDERA; DANNY RICE.

Plaintiffs.

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FRESNO POLICE OFFICER JOSEPH SMITH; FRESNO POLICE OFFICER BRIAN LITTLE; FRESNO POLICE OFFICER DERRICK JOHNSON; FRESNO POLICE OFFICER BERNARD FINLEY; FRESNO POLICE OFFICER BRYON URTON; UNKNOWN FRESNO POLICE OFFICERS; THE CITY OF FRESNO, CALIFORNIA.

Defendants.

No. 1:15-cv-00905-DAD-BAM

**ORDER GRANTING MOTION FOR
SUBSTITUTION**

(Doc. No. 179)

23 This matter is before the court on plaintiffs' motion to substitute pursuant to Federal Rules
24 of Civil Procedure 17 and 25, wherein plaintiffs request that plaintiff Pamela Motley be
25 substituted and replaced as a plaintiff by Amanda Motley, who is representative of the estate of
26 Pamela Motley. (Doc. No. 179.) On February 27, 2021, defendants filed written notice stating
27 they did not oppose the requested substitution and requesting that there be no hearing held on this
28 motion. (Doc. No. 181.)

1 Successors in interest are required to file an affidavit or declaration containing certain
2 enumerated information set forth in California Code of Civil Procedure § 377.32. *See Alejandre*
3 *v. Cty. of San Joaquin*, No. 2:19-cv-233-WBS-KJN, 2019 WL 2355596, at *2 (E.D. Cal. June 4,
4 2019). Plaintiffs have filed both a California Probate Code § 13100 affidavit and a declaration
5 required by California Code of Civil Procedure § 377.32 stating these are best evidence of Pamela
6 Motley's passing. (Doc. No. 179 at 3–11.) Plaintiffs note they were unable to file a certified
7 copy of Pamela Motley's death certificate as required by § 377.32(c) because "her death
8 certificate remains pending in light of the backlog in processing death documentation due to the
9 ongoing pandemic and a pending death investigation by the Fresno County Coroner's Office."
10 (*Id.* at 2.)

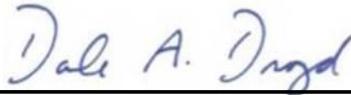
11 Good cause having been shown, plaintiff's motion to substitute is granted, and plaintiffs
12 are directed supplement the California Code of Civil Procedure § 377.32 declaration with the
13 certified death certificate once it does become available.

14 Accordingly,

- 15 1. The motion to substitute is granted;
- 16 2. Plaintiff Pamela Motley is substituted and replaced by Amanda Motley,
17 representative of the estate of Pamela Motley;
- 18 3. The Clerk of Court is advised that the caption of this case should be amended to
19 reflect the substitution; and
- 20 4. Plaintiffs are directed supplement the California Code of Civil Procedure § 377.32
21 declaration with the certified death certificate once it becomes available.

22 IT IS SO ORDERED.

23 Dated: March 17, 2021


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UNITED STATES DISTRICT JUDGE

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