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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

9 ARTHUR OWENS,

10 Plaintiff,

11 v.

12 FRESNO FOODS, LLC, et al.,

13 Defendants.

Case No. 1:15-cv-01526-SAB

ORDER REQUIRING MOTION FOR
SUBSTITUTION

(ECF No. 40)

DEADLINE: DECEMBER 23, 2016

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15 On October 7, 2015, Plaintiff Arthur Owens filed this action. On October 20, 2016,
16 counsel filed a statement of death informing the Court that Plaintiff is deceased. Pursuant to
17 Rule 25(a) of the Federal Rules of Civil Procedure,

18 If a party dies and the claim is not extinguished, the court may order substitution
19 of the proper party. A motion for substitution may be made by any party or by the
20 decedent's successor or representative. If the motion is not made within 90 days
after service of a statement noting the death, the action by or against the decedent
must be dismissed.

21 Accordingly, IT IS HEREBY ORDERED that a motion for substitution shall be filed on
22 or before December 23, 2016.

23 IT IS SO ORDERED.

24 Dated: October 31, 2016

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26 _____
27 UNITED STATES MAGISTRATE JUDGE
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