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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

REX CHAPPELL,
Plaintiff,
v.
C.K. PLILER, et al.,
Defendant.

No. 2:04-cv-01183-TLN-DB

ORDER SUBSTITUTING PARTY

On July 16, 2018, Defendants filed a Notice of Suggestion of Death, informing Plaintiff that Defendant Terry Rosario died. (ECF No. 125.) On August 27, 2018, Plaintiff timely filed a motion to substitute in accordance with Fed. R. Civ. P. 25. (ECF No. 126; Fed. R. Civ. P. 25(a) (outlining that a motion to substitute a party must be made within 90 days).)

Plaintiff requests the Court issue an order substituting Gloria Rosario, Defendant Rosario’s wife, for Defendant Rosario, “or, in the alternative, for an order directing Defendants’ counsel to identify a successor or representative for Defendant Rosario.” (ECF No. 126 at 2.) Defendants, in response to Plaintiff’s motion state that “[b]ased on information provided by Gloria Rosario, the successor to Terry Rosario is the Rosario Family Trust, and the representative or trustee for the Family Trust is Gloria Rosario.” (ECF No. 129 at 2.) Plaintiff has not replied.

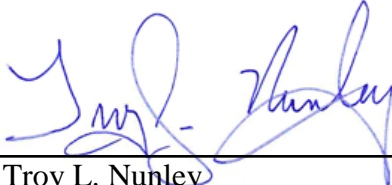
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Accordingly, the Court hereby grants Plaintiff's request for an order directing Defendants' counsel to identify a successor or representative for Defendant Rosario. Based on the foregoing, the Rosario Family Trust is hereby substituted for Defendant Rosario, as the Trust is identified by Defendants as the appropriate successor to Defendant Rosario.

IT IS SO ORDERED.

Dated: November 14, 2018



Troy L. Nunley
United States District Judge