



1 Paul W. Reidl (SBN 155221)
 Christopher J. Passarelli (SBN 241147)
 2 Brett J. Leininger (SBN 329579)
 DICKENSON, PEATMAN & FOGARTY
 3 1500 First Street, Suite 200
 Napa, California 94559
 4 Telephone: (707) 252-7122
 Facsimile: (707) 340- 7239
 5 preidl@dpf-law.com
cpassarelli@dpf-law.com

6 Attorneys for Defendants/Counter-Plaintiffs
 7 EL DORADO ORCHARDS INC., et al.

8 R. Michael West (SBN 84336)
mwest@saciplaw.com
 9 Law Offices of R. Michael West
 1922 21ST Street
 10 Sacramento, CA 95811
 Telephone: (916) 444-5444

11 Catherine Ashley Straight (SBN 119339)
cstraight@cas-law.com
 12 Law Offices of Catherine Ashley Straight
 1922 21ST Street
 13 Sacramento, CA 95811
 Telephone: (916)-599-1845

14 Attorneys for Plaintiff/Counter-Defendant
 15 APPLE HILL GROWERS

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

20 APPLE HILL GROWERS,
 21 Plaintiff,
 22 vs.
 23 EL DORADO ORCHARDS, INC., et al.
 24 Defendants.

CASE NO. 2:17-cv-02085-TLN-CKD
**JOINT MOTION TO SUBSTITUTE
 BRAD VISMAN, SPECIAL
 ADMINISTRATOR OF THE ESTATE OF
 MASON VISMAN FOR THE DECEASED
 DEFENDANT/COUNTER-PLAINTIFF
 MASON VISMAN; ORDER**
 Date: March 23, 2023
 Time: 2:00 p.m.
 Location: Courtroom 2

28 JOINT MOTION TO SUBSTITUTE
 ADMINISTRATOR OF ESTATE OF MASON
 VISMAN FOR THE DECEASED DEFENDANT/
 COUNTER-PLAINTIFF MASON VISMAN

1 Plaintiff Apple Hill Growers (“Plaintiff”) and Defendants Brad Visman, Kandi Visman, El
2 Dorado Orchards, Inc., (“Defendants”), and Brad Visman, as special administrator of the Estate
3 of Mason Visman (Plaintiff and Defendants collectively “the Parties”) hereby make the following
4 joint motion to substitute Brad Visman, in his role as the special administrator of the Estate of
5 Mason Visman for the deceased Mason Visman (“Decedent”) as Defendant/Counter-Plaintiff,
6 pursuant to Fed. R. Civ. P. 25(a)(1).

7 Rule 25(a)(1) provides that, if a party dies and the claim is not extinguished, the court may
8 order substitution of the proper party. A motion for substitution may be made by any party or by
9 the decedent's successor or representative within 90 days after service of a statement noting the
10 death.

11 In support of this Motion, the Movants state as follows:

- 12 1. Decedent, Mason Visman, an individual Defendant/Counter-Plaintiff, died intestate on
13 November 11, 2022. Brad Visman and Kandi Visman, Mason Visman’s parents, are
14 Decedent’s sole identified heirs.
- 15 2. A suggestion of death was submitted to the Court on November 17, 2022 [ECF 97].
- 16 3. Claims in this proceeding brought against and by Mason Visman were not extinguished
17 upon his death.
- 18 4. An Order For Probate of the Estate Of Mason Charles Visman was entered in the Superior
19 Court Of California, County Of El Dorado, on November 17, 2022. A copy of said Order
20 For Probate is attached as Exhibit A hereto.
- 21 5. Letters Special Administration were issued in the Probate Court of El Dorado County
22 Superior Court on November 17, 2022, in Case Number 22PR0301, appointing Brad
23 Visman as the special administrator of Decedent Mason Visman’s estate. A copy of the
24 Letters Special Administration is attached as Exhibit B hereto.
- 25 6. Pursuant to said Letters, Brad Visman has duly qualified and is acting as the Special
26 Administrator of Decedent’s estate.
- 27 7. In Brad Visman’s capacity as Special Administrator, Brad Visman is the representative of



1 Mason Visman, the deceased original Defendant/Counter-Plaintiff; and, accordingly, the
2 proper party to be substituted for Decedent Mason Visman.

3 8. The Parties note that the Letters Special Administration expire on April 30, 2023. The
4 Parties have agreed to notify the Court promptly of any extension of said Letters, or
5 subsequent appointments of Brad Visman as Administrator of Decedent Mason Visman’s
6 estate.

7 9. The Parties bring this joint motion for substitution of a party, notwithstanding the nature of
8 the instant appointment of Brad Visman, in order to preserve their respective legal claims.

9 Wherefore, it is prayed that this motion be granted and that the proceeding’s caption be
10 modified to substitute “Brad Visman, Special Administrator of the Estate of Mason Visman” for
11 the name of Mason Visman.

12 Respectfully submitted,

13 DATED: February 14, 2023

DICKENSON, PEATMAN & FOGARTY

15 By: /s/ Christopher J. Passarelli

16 Paul W. Reidl
17 Christopher Passarelli
18 Brett Leininger
19 Attorneys for El Dorado Orchards, et al.

20 LAW OFFICES OF CATHERINE ASHLEY STRAIGHT

21 By: /s/ Catherine Ashley Straight

22 Catherine Ashley Straight
23 Attorney for Apple Hill Growers

24 LAW OFFICES OF R. MICHAEL WEST

25 By: /s/ R. Michael West

26 R. Michael West
27 Attorney for Apple Hill Growers

ORDER

Having reviewed the Parties' motion, the Court orders that:

1. Brad Visman, in his role as the special administrator of the Estate of Mason Visman, be substituted in this action for the deceased Mason Visman ("Decedent") as Defendant/Counter-Plaintiff, pursuant to Fed. R. Civ. P. 25(a)(1); and
2. that the proceeding's caption be modified to substitute "Brad Visman, Special Administrator of the Estate of Mason Visman" for the name of Mason Visman.

IT IS SO ORDERED.

Dated: February 14, 2023



Troy L. Nunley
United States District Judge

DP&F

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