

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

JEANETTE BROWN,  
Plaintiff,

v.

SONOMA COUNTY LAND COMPANY  
d/b/a EVERGREEN VILLAGE, READ  
INVESTMENTS, LLC,  
Defendants.

Case No. 17-cv-00913-RMI

**ORDER**

JEANETTE BROWN, et al.,  
Plaintiffs,

v.

SONOMA COUNTY LAND COMPANY  
d/b/a EVERGREEN VILLAGE, READ  
INVESTMENTS, LLC, and E. RICHARD  
THOMAS, an individual,  
Defendants.

Case No. 18-cv-02699-RMI

On July 1, 2019, Plaintiff filed a Motion to Substitute Penny Cutting for Plaintiff Jeanette Brown (the “Motion”) based on Ms. Brown’s death approximately three weeks earlier. (dks. 60-63). The Motion noticed a hearing for August 13, 2019 at 10:00 a.m. before the undersigned. *Id.* However, Plaintiff’s counsel did not appear at the hearing. The court has questions regarding the Motion, including which claims survive Ms. Brown’s death. *See Barria v. Yu*, No. 08-CV-0908 BEN (CAB), 2010 WL 2653322, at \*1–2 (S.D. Cal. July 1, 2010). In addition, at the hearing, counsel for Defendant Read Investments, LLC raised questions regarding whether Ms. Cutting is

1 the “proper party” for substitution. Furthermore, Read Investments filed notices of death for Ms.  
2 Brown and Plaintiff Norma Lowe on July 17, 2019. *See Brown v. Sonoma Cty. Land Co.*, No. 18-  
3 cv-02699-RMI (N.D. Cal. 2018) (dks. 42 & 43). Accordingly, the parties are hereby ordered to  
4 meet and confer regarding the status of Plaintiffs and are directed to file a joint statement and/or  
5 proposed order regarding substitution of all deceased Plaintiffs no later than September 15, 2019.  
6 In addition, the parties must include a list of three proposed dates for mediation.

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8 **IT IS SO ORDERED.**

9 Dated: August 15, 2019

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13 ROBERT M. ILLMAN  
14 United States Magistrate Judge  
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