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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAIME DEGUZMAN, et al.,
Plaintiffs,
v.
CRANE CO., et al.,
Defendants.

Case No. 17-cv-02228-PJH

**ORDER GRANTING MOTION TO
SUBSTITUTE PARTIES AND AMEND
COMPLAINT**

Re: Dkt. No. 271

Before the court is plaintiff Loida DeGuzman’s motion to substitute parties filed on January 9, 2018. No opposition was filed and the matter is suitable for decision without oral argument. Accordingly, the hearing set for February 14, 2018, is VACATED. Having read the papers and carefully considered the arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS plaintiff’s motion.

Original plaintiffs Jaime DeGuzman and his wife Loida DeGuzman alleged that Jaime DeGuzman’s cancer was caused by his exposure to asbestos during his service as an electrician in the U.S. Navy. See Dkt. 35 (“Compl.”).

On October 5, 2017, Mr. DeGuzman passed away. Dkt. 272. He is survived by his wife, plaintiff Loida DeGuzman, and his three adult children, Jastine Villanueva, Jason DeGuzman, and Jay DeGuzman. On October 12, 2017, a notice of suggestion of death was filed with the court. See Dkts. 259-260.

The parties stipulated to plaintiff Loida DeGuzman filing an amended complaint to include survival and wrongful death actions authorized by the California Code of Civil

1 Procedure. Dkt. 270. The parties did not stipulate to the substitution of parties, see id,
2 and plaintiff has not submitted a proposed amended complaint.

3 Plaintiff's unopposed motion to substitute parties pursuant to Fed. R. Civ. P. 25(a)
4 is now before the court. The proposed substituted plaintiffs are Loida DeGuzman,
5 individually and on behalf of the Estate of Jaime DeGuzman, and Jaime's DeGuzman's
6 three children.

7 The court finds that plaintiff has satisfied the requirements of Rule 25(a) and
8 hereby GRANTS plaintiff's motion to substitute parties and to amend the complaint.

9 As plaintiff has not submitted a proposed amended complaint for the court's
10 review, other than the substitution of parties, the only amendments allowable are those
11 referenced in the parties' January 9, 2018 stipulation. The amended complaint must be
12 filed within 14 days of this order.

13 **IT IS SO ORDERED.**

14 Dated: January 29, 2018



PHYLLIS J. HAMILTON
United States District Judge

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