

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STACIA STINER, et al.,
Plaintiffs,
v.
BROOKDALE SENIOR LIVING, INC., et
al.,
Defendants.

Case No. 17-cv-03962-HSG

**ORDER GRANTING MOTION FOR
SUBSTITUTION OF DECEASED
PLAINTIFFS AND ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Re: Dkt. Nos. 253, 254

Pending before the Court are Plaintiffs’ motion for substitution of deceased plaintiffs and administrative motion to file under seal. Dkt. Nos. 253, 254. On June 1, 2021, Defendants filed a statement of non-opposition to the motion for substitution. Dkt. No. 259. Having considered the parties’ positions and for the following reasons, the Court **GRANTS** both motions.

I. MOTION FOR SUBSTITUTION OF DECEASED PLAINTIFFS

“In deciding a motion to substitute under Rule 25(a)(1), a court must consider whether: (1) the motion is timely; (2) the claims pled are extinguished; and (3) the person being substituted is a proper party.” *Chalfant v. United of Omaha Life Ins. Co.*, No. 15-CV-03577-HSG, 2016 WL 4539453, at *1 (N.D. Cal. Aug. 31, 2016) (quoting *Veliz v. Cintas Corp.*, No. C 03-1180 RS, 2008 WL 2811171, at *1 (N.D. Cal. July 17, 2008)). The substituted party then steps into the same position as the original party. *Hilao v. Estate of Marcos*, 103 F.3d 762, 766 (9th Cir. 1996). The Court finds that Plaintiffs’ Motion For Substitution of Deceased Plaintiffs has demonstrated that the requirements of Rule 25 are met here. Accordingly, the Court orders the following:

1. Ralph Carlson, in his capacity as Trustee of the Beverly E. Carlson and Helen V. Carlson Joint Trust, is substituted for Helen Carlson, by and through her Guardian Ad Litem, Joan Carlson, as plaintiff.

1 2. Michele Lytle, in her capacity as Trustee of the Boris Family Revocable Trust, is
2 substituted for Edward Boris, by and through his Guardian Ad Litem, Michele Lytle, as plaintiff.

3 3. Loresia Vallette, in her capacity as representative of the Lawrence Quinlan Trust, is
4 substituted for Lawrence Quinlan, by and through his Guardian Ad Litem, Loresia Vallette, as
5 plaintiff.

6 4. The party names in the case caption and case docket shall be changed to reflect these
7 substitutions.

8 **II. ADMINISTRATIVE MOTION TO FILE UNDER SEAL**

9 Pursuant to Northern District Civil Local Rules 79-5 and 7-11, the Court, having reviewed
10 the Administrative Motion to File Under Seal, the Memorandum of Points and Authorities, and the
11 Administrative Declaration of Gay Crosthwait Grunfeld in support thereof, and good cause to seal
12 having been shown, hereby issues the following order:

13 It is hereby ORDERED that the Declaration of Gay Crosthwait Grunfeld in Support of
14 Motion for Substitution of Deceased Plaintiffs (“Grunfeld Substitution Decl.”) and attached
15 exhibits shall be filed in redacted form to remove any personal identifying information of the
16 named Plaintiffs’ family members and any other information the disclosure of which could expose
17 them to embarrassment or annoyance. Plaintiffs’ request to seal has been narrowly tailored to seek
18 sealing of sealable information only. *See* N.D. Cal. Civ. L.R. 79-5(b).

19 Plaintiffs have also e-filed and lodged an unredacted version of the Grunfeld Substitution
20 Declaration, including exhibits, with the Clerk of the Court and served an electronic copy of all
21 such documents on Defendants’ counsel.

22 **A. Information To Be Redacted And Filed Under Seal**


Information	Location
Identifying information of the deceased Plaintiff, such as her social security number, address, place of death, and cause of death.	Grunfeld Substitution Declaration, Exhibit A – Declaration of Ralph Carlson Pursuant to CCP § 377.32, Docket Number 124, filed April 1, 2019, attaching a certified copy of the death certificate of Helen Carlson.
Identifying information of the named Plaintiffs’ family members, such as their	Grunfeld Substitution Declaration, Exhibit B - Beverly E. Carlson and Helen V. Carlson Joint

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names, birthdates, addresses, real estate owned, assets included in the trusts, amounts allocated to survivors, and end of life health care directives.	Trust Agreement, dated December 26, 1995.
Taxpayer identification number for the trust.	Grunfeld Substitution Declaration, Exhibit C – Certification of the Beverly E. Carlson and Helen V. Carlson Joint Trust Agreement
Identifying information of the deceased Plaintiff, such as his social security number, address, place of death, and cause of death	Grunfeld Substitution Declaration, Exhibit D- Declaration of Michele Lytle Pursuant to CCP § 377.32, Docket Number 119, filed March 20, 2019, attaching a certified copy of the death certificate of Edward Boris.
Identifying information of the named Plaintiffs’ family members, such as their names, birthdates, addresses, real estate owned, assets included in the trusts, amounts allocated to survivors, and end of life health care directives.	Grunfeld Substitution Declaration, Exhibit E - Boris Family Revocable Trust.
Identifying information of the named Plaintiffs’ family members, such as their names, birthdates, addresses, real estate owned, assets included in the trusts, amounts allocated to survivors, and end of life health care directives.	Grunfeld Substitution Declaration, Exhibit F - Lawrence D. Quinlan Living Trust.
Identifying information of the deceased Plaintiff, such as his social security number, address, place of death, and cause of death	Grunfeld Substitution Declaration, Exhibit G - Declaration of Loesia Vallette Pursuant to CCP § 377.32, attaching a certified copy of the death certificate of Lawrence Quinlan.

IT IS SO ORDERED.

Dated: 6/2/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge