

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MARGUERITE GASTON-SWANKS,

Plaintiff,

v.

Case No: 8:16-cv-2345-T-23JSS

CREDIT CONTROL, LLC,

Defendant.

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**ORDER**

THIS MATTER is before the Court on Plaintiff's Unopposed Motion to Substitute a Party ("Motion"). (Dkt. 16.) For the reasons set forth below, the Court grants Plaintiff's Motion.

On August 15, 2016, Marguerite Gaston-Swanks filed her Complaint under the Consolidated Omnibus Budget Reconciliation Act, 29 U.S.C. § 1161 and the Employee Retirement Income Security Act, 29 U.S.C. § 1001. On September 6, 2016, Plaintiff's counsel filed a Statement Noting Plaintiff Marguerite Gaston-Swanks' Death. (Dkt. 6.) The Court subsequently granted Plaintiff's counsel's request for an extension to substitute a party on or before February 3, 2017. (Dkt. 12, 13.) On December 5, 2016, Latasha Swanks was appointed Administrator of the Estate of Marguerite Gaston-Swanks. (Dkt. 16-2.) On January 30, 2017, Plaintiff's counsel filed the Motion seeking to substitute Latasha Swanks, as Administrator of the Estate, in place of Marguerite Gaston-Swanks. (Dkt. 16.)

Under Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative." Fed. R. Civ. P. 25(a)(1).

Here, Latasha Swanks, as Administrator of decedent's Estate, seeks to substitute Marguerite Gaston-Swanks as the Plaintiff in this action. Accordingly, it is

**ORDERED:**

1. Plaintiff's Unopposed Motion to Substitute a Party (Dkt. 16) is **GRANTED**.
2. Latasha Swanks, as Administrator of the Estate of Marguerite Gaston-Swanks, is hereby substituted as a Plaintiff in this action in place of Marguerite Gaston-Swanks.

**DONE** and **ORDERED** in Tampa, Florida, on February 1, 2017.

  
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JULIE S. SNEED  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
Counsel of Record