

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

VICKEE COOK,

Plaintiff,

v.

Case No: 8:17-cv-2391-T-23AAS

POLK COUNTY SCHOOL DISTRICT,

Defendant.

_____ /

ORDER

Sandra Cook, personal representative and mother of deceased plaintiff Vickee Cook, requests to replace her deceased daughter as the plaintiff in this action. (Doc. 19). Polk County School District did not respond to this motion.

Pursuant to 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.” However, a personal representative must be represented by counsel. *See Franklin v. Garden State Life Ins.*, 462 Fed. Appx. 928, 930 (11th Cir. 2012)

Sandra Cook is the personal representative of Vickee Cook’s estate (Doc. 14, ¶ 3), and is now represented by counsel (Doc. 19). Although Rule 25 states that a motion for substitution must be made within ninety days after service of a statement noting the death, this deadline was extended for Sandra Cook to have additional time to obtain counsel. (Doc. 18, p. 2).

Accordingly, it is **ORDERED** that Sandra Cook’s Motion for Substitution of Party (Doc. 19) is **GRANTED**. The Clerk is directed to update the docket to reflect this substitution.

ORDERED in Tampa, Florida on this 8th day of June, 2018.

Amanda Arnold Sansone

AMANDA ARNOLD SANSONE
United States Magistrate Judge