

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

EDITH EMENHEISER,

Plaintiff,

v.

CASE NO.: 1:09CV142-SPM/AK

DAVIDSON HOTEL COMPANY, LLC.,  
a Foreign Limited Liability Company,

Defendant.

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**ORDER OF DISMISSAL**

This cause comes before the Court on Defendant's motion to dismiss (doc.24) under Federal Rule of Civil Procedure 25(a)(1) for failure to file a motion to substitute within 90 days of the suggestion of Plaintiff's death. Plaintiff's response (doc. 27) states that no one is presently qualified to substitute as a party and that counsel therefore has no objection to dismissal. Accordingly, it is

ORDERED AND ADJUDGED:

1. The motion to dismiss (doc. 24) is granted.
2. This case is dismissed without prejudice under Fed. R. Civ. P. 25(a)(1).

DONE AND ORDERED this 24th day of February, 2010.

*s/ Stephan P. Mickle*  
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Stephan P. Mickle  
Chief United States District Judge