

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

EDDIE STOVAL and GEORGIA FARM
BUREAU MUTUAL INSURANCE
COMPANY,

Plaintiffs,

v.

WHIRLPOOL CORPORATION and SEARS
HOLDINGS MANAGEMENT
CORPORATION

Defendants.

Civil Action No.
5:10-CV-301 (HL)

ORDER

Before the Court is the joint motion of plaintiffs and defendants for substitution of party (Doc. 16). The parties wish to substitute Sears, Roebuck and Co. for the current named defendant Sears Holding Management Corporation, Inc.

The defendants consent to the substitution, which indicates that they will not be prejudiced by the substitution. It also appears that the incorrect defendant was named because of a mistake by the plaintiffs, not because of a tactical maneuver by the plaintiffs.

Therefore, the motion to substitute is granted (Doc. 16). The clerk shall remove Sears Holding Management Corporation, Inc. as a defendant and substitute Sears, Roebuck and Co. in its place. The plaintiffs shall amend the complaint to name Sears, Roebuck and Co. as the defendant no later than October 6, 2010. The amendment will relate back to the date of the original pleading pursuant to Federal Rule of Civil Procedure 15(c)(1).

SO ORDERED, this the 29th day of September, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

lmc