

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

DONNA JARVIS,

:

v.

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CASE NO.: 7:19-CV-151 (WLS)

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C. R. BARD INCORPORATED, *et al.*,

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Defendants.

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ORDER

On September 9, 2019, this matter was transferred to this Court from the District of Arizona. (Doc. 6.) Pursuant to a Joint Stipulation to Stay Proceedings, in which the Parties noticed the Court that they were engaged in settlement negotiations, (Doc. 14) this Court stayed discovery and all pre-trial deadlines. (Doc. 15.) This stay remains in effect, to the present day, due to the Parties' repeated motions to extend the stay. (Docs. 22, 23, 24, 25, 28, 29 & 40.)

On June 17, 2022, Counsel for the Defendants filed a Status Report with the Court. (Doc. 38.) Therein, Defense Counsel explained that they had received word that Plaintiff Donna Jarvis died on January 21, 2021. (*Id.* at 2.) Attached to the status report was Plaintiff's obituary. (Doc. 38-1.)

The Court has construed Defendant's Status Report (Doc. 38) as a notice of death. Accordingly, on August 30, 2022, this Court noticed the Parties that if a Motion for Substitution were not filed before September 15, 2022, that this case would be dismissed pursuant to Fed. R. Civ. P. 25(a)(1). (Doc. 44.) Fed. R. Civ. P. 25(a)(1) provides that in the event 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. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

As no motion for substitution has been made by any party or by the decedent's successor or representative, within the time limits proscribed by Fed. R. Civ. P. 25(a)(1), it is hereby **ORDERED** that this case be **DISMISSED** without prejudice.

SO ORDERED, this 19th day of September 2022.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT