

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

TERRY LAMAR ANTHONY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 123-095
DANIEL FARMER; REMER COBB;	)	
and CHARLES COLLINS,	)	
	)	
Defendants.	)	

ORDER

Plaintiff, Terry Lamar Anthony, died July 18, 2024. (Doc. no. 69, p. 1; doc. no. 71, pp. 8-9.) Plaintiff’s counsel filed a consent motion to stay the case on August 13, 2024, to request time to file a motion to substitute a proper party in place of Plaintiff. (Doc. no. 69.) The Court granted this motion, providing Plaintiff’s counsel until October 1, 2024, to move to substitute a proper party. (Doc. no. 70.) Plaintiff’s counsel timely filed a Motion to Substitute Party Plaintiff Due to Death, which included an attached notice of hearing as required by Fed. R. Civ. P. 25(a)(3). (Doc. no. 71.) Defendants filed no opposition.

Rule 25(a) governs substitution of parties after death and states:

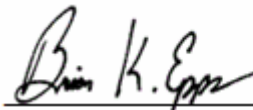
If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25(a)(1).

Terry Louis Anthony, Sr., Plaintiff's father and administrator of Plaintiff's estate, has requested substitution as the proper plaintiff. (Doc. no. 71, p. 2.) As this motion is unopposed, the Court finds there is no need for a hearing and **DENIES** Plaintiff's Motion for Hearing. (Doc. no. 72.)<sup>1</sup>

Accordingly, the Court **GRANTS** the Motion to Substitute Party Plaintiff. (Doc. no. 71.) The Court **DIRECTS** the **CLERK** to **TERMINATE** Terry Lamar Anthony as a party to this case and **SUBSTITUTE** Terry Louis Anthony, Sr., as Administrator of the Estate of Terry Lamar Anthony, Deceased, as Plaintiff. The Court further **DIRECTS** the **CLERK** to **LIFT** the stay imposed by the Court's August 21st Order. (Doc. no. 70.)

SO ORDERED this 24th day of October, 2024, at Augusta, Georgia.



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BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Plaintiff's counsel filed a "Motion for Hearing" in addition to Plaintiff's Motion to Substitute Party. (Doc. no. 72.) However, the Court notes this filing is identical to Plaintiff's Motion to Substitute Party. (Compare doc. no. 72, with doc. no. 71.)