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Clerk, U.S. District Court, ILCD

**IN THE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

SLEP-TONE ENTERTAINMENT
CORPORATION,
Plaintiff,

v.

THE BASKET CASE PUB, INC., an
Illinois Corporation, and
DANNETTE RUMSEY,
Defendants.

Case No. 1:15-cv-01009-JBM-JEH

Order

Now before the Court is the Plaintiff's, Slep-Tone Entertainment Corporation's, Amended Motion for Substitution of Party ([Doc. 15](#)). This matter is fully briefed and for the reasons stated below, the Motion is DENIED.

[Federal Rule of Civil Procedure 25\(c\)](#) provides that, "If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party" The Defendants' Response in Opposition convinces the Court that it would not serve the interests of judicial economy or otherwise facilitate the conduct of litigation if the Court were to allow the outright substitution of Phoenix Entertainment Partners, LLC for Slep-Tone at this time. Instead, the Court finds that joinder of Phoenix is the appropriate action to be taken at this time. See *Otis Clapp & Son, Inc v Filmore Vitamin Co*, 754 F2d 738, 743 (7th Cir 1985), quoting 7A Wright and Miller, *Federal Practice and Procedure* § 1958 at 664-65 (discussing [FRCP 25\(c\)](#) and explaining that "[a]n order of joinder is merely a discretionary determination by the trial court that the

transferee's presence would facilitate the conduct of litigation"); and *ISI International v Borden Ladner Gervais, LLP*, 2002 WL 230904, *3 (ND Ill) (collecting cases to support the conclusion that the two relevant entities had to be joined as the proper defendants in the action rather than substitute one for the other).

Accordingly, the Plaintiff's Amended Motion for Substitution of Party (Doc. 15) is DENIED. However, pursuant to [FRCP 25\(c\)](#), Phoenix Entertainment Partners, LLC is joined as a Plaintiff in this action. The Plaintiffs are directed to file an amended complaint within 14 days (April 29, 2015). The Clerk is directed to add Phoenix Entertainment Partners, LLC as a Plaintiff in this case.

So ordered.

Entered on April 15, 2015.

s/Jonathan E. Hawley
U.S. MAGISTRATE JUDGE