



On March 5, 2025, the Court held a status conference. During the status conference, Plaintiff's Counsel confirmed that they have not been able to obtain any further information that would assist in locating Plaintiff's next of kin and have had no further contact with Plaintiff's next of kin. Thus, despite diligent efforts, the only next of kin Counsel has been able to locate and serve is Tiffany Zollicofer.

Federal Rule of Civil Procedure 25(a)(1) contemplates that once a suggestion of death has been filed on the record in a case and served on all proper parties and nonparties, a ninety-day time period for filing a motion for substitution begins. If no such motion is filed, the case must be dismissed. *Id.*

Despite Plaintiff's Counsel's good faith efforts, Counsel has been unable to locate and serve all of Plaintiff's children. Absent any controlling authority to the contrary, the Court finds that Counsel's service efforts were sufficient to discharge Counsel's responsibilities under the Federal Rules of Civil Procedure as to these individuals. The Court further finds that a suggestion of death has been properly filed and served on all parties and *locatable* nonparties.

More than ninety days have elapsed since Ms. Zollicofer, the only locatable nonparty, was served with the suggestion of death and other pertinent documents, and she has not filed a motion for substitution. Accordingly, Rule 25(a)(1) requires that this case be dismissed.

In light of the foregoing, this action is **DISMISSED** without prejudice. The Court **DIRECTS** the Clerk to close the case.

The Court further finds that attorneys William J. Curtis and Deionna E. Ferguson, who were appointed to represent Plaintiff, have fulfilled the purpose of their appointment. Therefore, they are hereby terminated as Plaintiff's counsel of record. The Court thanks Counsel for their excellent service in this case.

Counsel is advised that Reimbursement of *pro bono* counsel for out-of-pocket expenses up to \$5,000 may be requested in accord with § 2.6 of the District Court's Plan for the Administration of the District Court Fund. Any motion for reimbursement must be made within 30 days of entry of this Order.

**SO ORDERED.**

Dated: March 5, 2025

*/s David W. Dugan*

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DAVID W. DUGAN  
United States District Judge