

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

PEARLIE McCOY and LARRY
BLOOD, as Co-Special Administrators of
the ESTATE OF SHEILA BLOOD,
Deceased, and on Behalf of the Wrongful
Death Beneficiaries of SHEILA BLOOD,

Plaintiffs,

vs.

J & R SCHUGEL TRUCKING, INC.;
DOROTHY MOTLEY-HAMILTON;
POLMAN TRANSFER, INC.;
GREGORY THOMPSON; CARAVAN
GROUP OF COMPANIES; CARAVAN
LOGISTICS, INC.; CARAVAN
LEASING, INC., KIM YANG; and
JOHN DOES 1-5,

Defendants.

No. C 14-3078-MWB

**ORDER REGARDING
SUBSTITUTION OF PARTIES**

This case is before me on the Notice Of Substitution (docket no. 59), filed by the United States of America on September 28, 2015, in which the United States noticed the substitution of the United States as a defendant for the cause of action against Johnnie Hughes, pursuant to the Federal Employees Liability Reform And Tort Compensation Act, 28 U.S.C. § 2679. The United States points out that Johnnie Hughes was not named as a defendant in the plaintiffs' original Complaint (docket no. 2), but that he is named as a third-party defendant in the Third-Party Complaint (docket no. 17) of defendants Polman Transfer, Inc., and Gregory Thompson. The United States has also submitted with its Notice a Certification Of Scope Of Employment (docket no. 59-1) by the United States Attorney for the Northern District of Iowa, certifying that he has read the plaintiffs'

Complaint and the Third-Party Complaint of defendants Polman Transfer, Inc., and Gregory Thompson and that, on the information now available to him, he finds that Johnnie Hughes was acting within the scope of federal office or employment at the time of the incident out of which the plaintiffs' claims arose. I find that, pursuant to 28 U.S.C. §§ 2679(b)(1) and 2679(b)(2), the United States is the proper defendant for the cause of action against Johnnie Hughes and that the requirements for substitution of the United States for Johnnie Hughes, pursuant to 28 U.S.C. § 2679(d)(1), have been met.

THEREFORE,

1. Pursuant to 28 U.S.C. §§ 2679(b)(1) and 2679(b)(2), the United States is the proper defendant for the cause of action against Johnnie Hughes in this action, and the exclusive remedy for claims against Johnnie Hughes in this action is an action against the United States;

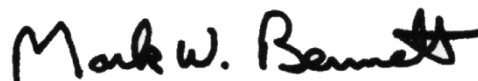
2. The United States is **substituted** for third-party defendant Johnnie Hughes in this action;

3. The claims in this action against Johnnie Hughes in his individual capacity and in his personal capacity are hereby **dismissed with prejudice**;

4. The caption in this action **shall be amended** to reflect the substitution of the United States for third-party defendant Johnnie Hughes.

IT IS SO ORDERED.

DATED this 29th day of September, 2015.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA