

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

NORTHERN NATURAL GAS CO.,
Plaintiff,

vs.

No. 08-1405-JTM

L.D. DRILLING, INC.,
et al.,
Defendants.

MEMEMORANDUM AND ORDER

This matter is before the court on the motion to dismiss brought by the Estate of L.D. Davis (Dkt. 655), which argues that the Estate was improperly substituted into the action following the May 27, 2016 death of L.D. Davis. The motion raises issues similar to that presented by the Estate in the No. 10-1232 action, and the court hereby adopts and incorporates its Order of May 15, 2018 (Dkt. 1083) denying the companion motion to dismiss.

As in its Order of May 15, the court finds that the Estate has been actively represented in this litigation by counsel for the L.D. Group of defendants, and that this representation has been of such a long-standing nature as to equitably preclude the Estate from belatedly asserting the service requirements of Rule 25.

IT IS ACCORDINGLY ORDERED this 21st day of May 2018, that the Motion to Dismiss of the Estate (Dkt. 655) is hereby denied.

J. Thomas Marten

J. THOMAS MARTEN, JUDGE