

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

DEBORAH THOMAS

CIVIL ACTION

VERSUS

**PATTEN/JENKINS BR POPEYE'S,
LLC**

NO.:15-00255-BAJ-RLB

ORDER AND RULING

Before the Court is an **Ex Parte Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 25(a)(1) (Doc. 15)**, filed by Defendant Patten/Jenkins BR Popeyes, LLC, seeking a dismissal pursuant to Federal Rule of Civil Procedure (“Rule”) 25(a)(1). Rule 25(a)(1) provides:

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.

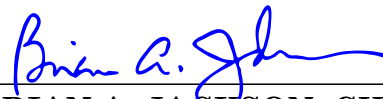
On October 1, 2015, counsel for Plaintiff Deborah Thomas filed a Suggestion of Death Upon the Record (Doc. 14), notifying the Court of Plaintiff’s death on or about September 24, 2015. Since the notice was filed, more than 90 days have elapsed and a motion for substitution has not been filed by any party or by the decedent’s successor or representative.

Accordingly,

IT IS ORDERED that Defendant's **Ex Parte Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 25(a)(1) (Doc. 15)** is **GRANTED**.

IT IS FURTHER ORDERED that the above-captioned action is **DISMISSED WITH PREJUDICE**.

Baton Rouge, Louisiana, this 12th day of February, 2016.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**