

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT EUBANKS,

Plaintiff,

v.

HONORABLE PAUL L. MALONEY

Case No. 1:05-cv-620

CITY OF GRAND RAPIDS AND
ADAM BAYLIS,

Defendants.

_____/

**ORDER DENYING MOTION FOR INVOLUNTARY DISMISSAL
AND GRANTING MOTION TO SUBSTITUTE PARTY**

This matter is before the Court on Defendants' Motion for Involuntary Dismissal (Dkt. #117) and Phyllis Eubanks' Motion to Substitute Party (Dkt. #121). After consideration of the motion to dismiss and the response thereto, filed contemporaneously with the motion to substitute party, the Court being fully advised in the premises:

IT IS HEREBY ORDERED that Defendants' Motion for Involuntary Dismissal (Dkt. #117) is **DENIED**.

IT IS FURTHER ORDERED that Phyllis Eubanks' Motion to Substitute Party (Dkt. #123) is **GRANTED**. The plaintiff, Robert Eubanks, shall be substituted by Phyllis Eubanks, Personal Representative of the Estate of Robert Eubanks, Deceased. The case caption shall be amended to reflect this substitution.

Date: January 8, 2010

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge