

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTAIN RE BAIR HUGGER FORCED AIR
WARMING PRODUCTS
LIABILITY LITIGATION

MDL NO. 15-2666 (JNE/DTS)

This Document Relates to:
JUDY MARSH
v.
3M CO., ET AL.
17-CV-3335**ORDER**

This matter is before the Court on Plaintiff's motion to substitute the plaintiff in this action (Docket No. 9). Judy Marsh is now deceased. Suggestion of Death, Docket No. 7. Thomas L. Marsh, administrator of Judy's estate, seeks to be substituted as plaintiff. See Green Decl., March 21, 2019, Ex. A (Letters of Administration), Docket No. 10. Defendants do not oppose the motion. Meet and Confer Statement, Docket No. 11.

Federal Rule of Civil Procedure 25(a)(1) states that, upon the death of a party which does not extinguish the claim, "a motion for substitution may be made by any party or by the decedent's successor or representative." Plaintiff has satisfactorily shown that the claims were not extinguished with Judy Marsh's passing and that Thomas L. Marsh is the proper party to take her place under Illinois state law.

IT IS HEREBY ORDERED that Plaintiff's Motion to Substitute Parties [Docket No. 9] is GRANTED. The Clerk of Court shall substitute Thomas L. Marsh for Judy Marsh in this action.

Dated:

DAVID T. SCHULTZ
United States Magistrate Judge