

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**FREDDIE JONES, Co-Executor of Estate
of Fred Brown, Deceased, et al.**

PLAINTIFFS

V.

NO. 4:18-CV-37-DMB-JMV

MERITOR, INC., et al.

DEFENDANTS

ORDER

On November 5, 2019, Textron, Inc., filed a joint motion to dismiss “with prejudice all of Plaintiff’s claims that have been asserted in this action, or that could have been asserted in this action, against [Textron] only.” Doc. #92. The motion was purportedly joined by then-plaintiff Fred Brown. *Id.* at 2. On November 8, 2019, Brown’s former counsel filed a motion representing that Brown died on May 9, 2019, and seeking to substitute as plaintiffs Freddie Jones and Valerie Bradford, the co-executors of Brown’s estate. Doc. #97. The motion represents that following substitution, “counsel for the substituted plaintiffs and counsel for the defendants will file a valid and binding Stipulation of Dismissal.” *Id.* at 2. The motion to substitute was granted by United States Magistrate Judge Jane M. Virden on November 25, 2019. Doc. #100.

Because Brown was deceased at the time the motion was filed, he lacked capacity to join the motion. *See Rowland v. GGNSC Ripley, LLC*, No. 3:13-cv-11, 2015 WL 5197565, at *2–3 (N.D. Miss. Sep. 4, 2015). However, after substitution, the parties filed a stipulation dismissing all claims with prejudice. Doc. #101. Accordingly, the motion to dismiss [92] is **DENIED as moot**. This case is **CLOSED**.

SO ORDERED, this 27th day of November, 2019.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE