

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MIRANDA JO HUFFMAN,)	
)	
Plaintiff,)	
)	
v.)	No. 11-0116-CV-W-FJG
)	
MICHAEL J. ASTRUE,)	
Commissioner, Social Security)	
Administration)	
)	
Defendant.)	

ORDER

Pending before the Court is plaintiff's Motion to Alter or Amend Judgment, Motion to Allow Substitution of Party; and Motion for Appointment of Next Friend (Doc. No. 14). Together with said motion are plaintiff's Suggestions in Support (Doc. No. 15) and the Petition for Appointment of Next Friend by Minor Under the Age of Eighteen (Doc. No. 16). The government has filed no response to the pending motions.

On July 20, 2011, plaintiff filed her Social Security reply brief (Doc. No. 11). On July 29, 2011, plaintiff died as a result of a Methicillin-Resistant Staphylococcus Aureus (MRSA) infection. Plaintiff's death was not reported to the Court immediately, and on August 15, 2011, the Court entered judgment granting plaintiff's Social Security claim and awarding plaintiff benefits. On August 26, 2011, plaintiff's counsel filed the current motion, asking the Court to amend the August 15, 2011 judgment to allow substitution of plaintiff's four children as the decedent's successors. Counsel also requests that the children's grandmother, Mary S. Huffman, be appointed their next friend, as the minor children have been living with their grandmother since before plaintiff's death and continue to live with her.

For good cause shown, plaintiff's motion to alter or amend judgment pursuant to

Fed. R. Civ. P. 59(e) is **GRANTED**. Plaintiff Miranda Huffman's four minor children (Kameren Huffman, Kyle Huffman, Kadya Huffman, and Kash Desrosiers) will be substituted as plaintiffs in this matter pursuant to Fed. R. Civ. P. 25(a)(1) and 21, and they shall be entitled to Social Security disability benefits as survivors of Miranda Huffman as set forth in 42 U.S.C. § 404(d). Further, as the four children are minors, for good cause shown, it is hereby ordered that Mary S. Huffman be and is hereby appointed Next Friend to act on behalf of her grandchildren, Kameren Huffman, Kyle Huffman, Kadya Huffman, and Kash Desrosiers, pursuant to Fed. R. Civ. P. 17(c)(2).

IT IS SO ORDERED.

Date: 9/15/2011
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge