

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

HERBERT G. MENTEL,

Plaintiff,

vs.

EXPRESS SCRIPTS, INC.,

Defendant.

**4:15CV3080**

**ORDER**

Plaintiff Herbert G. Mental passed away on July 30, 2015. After reviewing the suggestion of death filed by Plaintiff's counsel, the court ordered:

Plaintiff's successor or representative shall file a motion for substitution by November 5, 2015. If a motion for substitution is not filed by that date, Plaintiff's claims may be dismissed for want of prosecution.

(Filing No. 11).

On October 7, 2015, Plaintiff's counsel filed a motion to withdraw. (Filing No. 14). During the hearing on the motion, Plaintiff's counsel explained that Plaintiff's next of kin, Tyler Mentel, is not interested in pursuing this case further, and no estate proceeding will be initiated for decedent Herbert G. Mentel. For the reasons stated on the record,

**IT IS ORDERED:**

1) The motion to permit Randall L. Goyette and the firm of Baylor Evnen Curtiss Grimit & Witt to withdraw as counsel on behalf of Plaintiff, (filing no. 14), is granted.

2) If Plaintiff intends to pursue this case, on or before November 13, 2015, Plaintiff's successor or representative shall: a) file a motion for substitution; and b) obtain the services of counsel and have that attorney file an appearance on

Plaintiff's behalf, in the absence of which the court may dismiss Plaintiff's claims without further notice.

3) The clerk shall mail a copy of this order to the decedent plaintiff's next of kin, Tyler Mentel, 207 W. York, DeWitt, Nebraska, 68341.

October 23, 2015.

BY THE COURT:

*s/ Cheryl R. Zwart*  
United States Magistrate Judge