

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NOEL E. THOMPSON,

Plaintiff,

vs.

UNION PACIFIC RAILROAD  
COMPANY,

Defendant.

**8:18CV53****ORDER**

This matter is before the court upon the notice of death of Noel E. Thompson, filed on January 28, 2020. (Filing No. 37). In accordance with Fed. R. Civ. P. 25(a)(1), decedent's successor or representative, or any party, must move for substitution of the deceased party within 90 days after the suggestion of death is filed. Upon the suggestion of Plaintiff's death (Filing No. 37),

## IT IS ORDERED:

- 1) This case is stayed until April 27, 2020, pending a determination of whether the decedent's claims will be revived and further litigated by Plaintiff's estate.
- 2) On or before April 27, 2020, Plaintiff's counsel shall either: 1) move to voluntarily dismiss this case; 2) file a motion to substitute Plaintiff's estate or personal representative as the named Plaintiff in this action; or, 3) file a report advising the court as to whether Plaintiff's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
- 3) Absent timely compliance with this order, the claims filed by decedent may be subject to dismissal pursuant to Fed. R. Civ. P. 25(a)(1).

- 4) The clerk shall set a case management deadline of May 1, 2020 to confirm compliance with this order.

Dated this 29th day of January, 2020.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge