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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

2:09-CV-1476 JCM (VCF)

ED ROMAN,

Plaintiff,

v.

BERNIE (BERNARD) CHASE, et al.,

Defendants.

ORDER

Presently before the court is the case of *Roman v. Chase, et. al.*, case number 2:09-cv-1476-JCM-VCF.

On December 19, 2011, pursuant to Federal Rule of Civil Procedure 25(a), defendants Bernie Chase and Chris Andreoli filed a notice of death of plaintiff Ed Roman. (Doc. #44).

Federal Rule of Civil Procedure 25(a) states:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

To date, a motion for substitution has not been filed with the court. Therefore, pursuant to Federal Rule of Civil Procedure 25(a), the action “must be dismissed.”


Accordingly,

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IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case
be, and the same hereby is, DISMISSED.

DATED April 19, 2012.


UNITED STATES DISTRICT JUDGE