

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FH PARTNERS, LLC,
Plaintiff,

v.

LYNN M. LEANY; et al.,
Defendants.

2:11-cv-0796-LRH-NJK

ORDER

Before the court is plaintiff FH Partners, LLC (“FH Partners”) motion for leave to substitute party. Doc. #70.¹

In December 2007, 600 N. Airport Road, LLC (“Borrower”), entered into a business loan agreement for \$2,400,000 with Silver State Bank (“Silver State”) for the purchase of real property. Defendant Lynn M. Leany (“Lynn Leany”), individually and as trustee of the Lynn M. Leany Family Trust signed a commercial guaranty contract for the business loan agreement. On May 2, 2013, defendant Lynn Leany passed away. *See* Doc. #65.

Pursuant to Rule 25 of the Federal Rules of Civil Procedure, “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party.” FED. R. CIV. P. 25(a)(1). Here, FH Partners seeks to substitute Mark D. Rich (“Rich”), the successor trustee of the Lynn M. Leany Family Trust, as a defendant in this action. *See* Doc. #70. Because Rich, as the successor

¹ Refers to the court’s docket number.

1 trustee, is the proper party to replace Lynn Leany in this action, the court shall grant FH Partner's
2 motion.

3

4 IT IS THEREFORE ORDERED that plaintiff's motion to substitute party (Doc. #70) is
5 GRANTED. The clerk of court shall substitute Mark D. Rich, as the identified successor trustee of
6 the Lynn M. Leany Family Trust, as a defendant in this action.

7 IT IS SO ORDERED.

8 DATED this 25th day of September, 2013.

9



10

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26