

1 BOGGESS & HARKER  
 2 D. BRIAN BOGGESS, ESQ.  
 Nevada Bar Number 4537  
 7495 West Azure Drive., Suite 250  
 3 Las Vegas, Nevada 89130  
 (t) (702) 233-5040  
 4 (f) (702) 233-2209  
 (e) bboguess@boggesslawgroup.com  
 5 Attorney for Plaintiffs

6 **UNITED STATES DISTRICT COURT**  
 7 **DISTRICT OF NEVADA**

8 GUADALUPE OLVERA, an individual; and  
 9 THE GUADALUPE OLVERA FAMILY  
 TRUST, by and through its Trustee, Rebecca  
 10 Schultz,

11 Plaintiffs,

12 vs.

13 JARED E. SHAFER, an individual;  
 PROFESSIONAL FIDUCIARY SERVICES  
 14 OF NEVADA, INC., a Nevada corporation;  
 AMY VIGGIANO DEITTRICK, individually  
 15 and doing business as AVID BUSINESS  
 SERVICES; PATIENCE BRISTOL, an  
 16 individual; WELLS FARGO BANK, N.A., a  
 National Association; EVE S. MILLS, an  
 17 individual; SUSAN BULL, an individual;  
 CENTER FOR GUARDIANSHIP  
 18 CERTIFICATION, INC., a Pennsylvania non-  
 profit corporation; FIRSTSERVICE  
 19 RESIDENTIAL, NEVADA, LLC, a Nevada  
 limited liability company; CATHY ELLIOT, an  
 20 individual; MARGARET JOHNSON, aka  
 MARGO JOHNSON, an individual; DOES I  
 21 through XX and DOE ENTITIES I through XX,  
 inclusive,

22 Defendants.

CASE NO.: 2:14-cv-01298-GMN-NJK

23 **ORDER GRANTING**

24 **PLAINTIFFS' MOTION FOR SUBSTITUTION OF PARTY UNDER FED. R. CIV. P. 25**

25 COME NOW Plaintiffs, Guadalupe Olvera and The Guadalupe Olvera Family Trust  
 26 ("Plaintiffs" or "Olvera") and respectfully move the Court, by and through their attorneys, D. Brian  
 27 Boggess, Esq. and Boggess & Harker, and pursuant to Fed. R. Civ. P. 25 (a), moves to substitute the  
 28 Estate of Eve S. Mills as named party in place of Eve S. Mills. In support of this motion, plaintiffs  
 state as follows:

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  
27  
28

1. At the time this suit was filed, Defendant Eve S. Mills (hereafter “Mills”) was a real party in interest to this suit.

2. Defendant Mills was named a party to this action.

3. On November 2, 2015 counsel for Defendant filed a Suggestion of Death Upon the Record of Eve S. Mills.

4. Upon information and belief, Defendant Mills passed away on October 19, 2015.

5. Under Fed. R. Civ. P. 25 (a)(1), “If a party dies and the claim is not extinguished, the court may order substitution of the proper party.”

6. Given that Defendant Mills was named as a party to this action and that Defendant has since passed away and the claim against Defendant is not extinguished, Plaintiffs request that this court enter an order of substitution pursuant to Fed. R. Civ. P. 25(a)(1) substituting the Estate of Eve Mills, as a party Defendant for the previously named party Defendant Eve S. Mills.

WHEREFORE, for each and all of the foregoing reasons, Plaintiffs request that an order of substitution be entered substituting the Estate of Eve Mills as a party Defendant in lieu of original Defendant Eve S. Mills.

Dated this 27<sup>th</sup> day of January, 2016.

BOGGESS & HARKER

By: /s/ D. Brian Boggess  
D. Brian Boggess, Esq.  
Nevada Bar No. 004537  
7495 West Azure Drive, Suite 250  
Las Vegas, Nevada 89130  
Attorney for Plaintiffs

IT IS SO ORDERDED.  
Dated: February 18, 2016

  
\_\_\_\_\_  
United States Magistrate Judge