Sheld et al v. NCO Financial Systems, Inc. et al Doc. 34

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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SUSAN SHELD, ELLEN SHELD,

Plaintiffs,

vs.

NCO FINANCIAL SYSTEMS, INC., et al.,

Defendants.

2:15-cv-01140-JCM-VCF

ORDER

Before the Court are Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to Substitute the Personal Representative of the Deceased Plaintiff (ECF No. 27) and Motion to Substitute Wendy Sheld-Walker for Deceased Plaintiff Ellen Sheld Pursuant to FRCP 25(A)(1) (ECF No. 30). Defendants oppose Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to Substitute the Personal Representative of the Deceased Plaintiff. (ECF Nos. 28 & 29). They argue that Plaintiffs lack excusable negligence in filing a timely motion within the 90 day deadline. Id. The last day to file the motion to substitute the personal representative of the deceased Plaintiff was June 14, 2017.

On June 14, 2017, Plaintiffs timely filed their Motion to Substitute Wendy Sheld-Walker for Deceased Plaintiff Ellen Sheld Pursuant to FRCP 25(A)(1). (ECF No. 30). Defendants have not filed an opposition to Plaintiffs' Motion to Substitute. Under LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. Here, the time to file an opposition has passed and it would seem that Defendants have consented to the granting of Plaintiffs' Motion to Substitute.

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Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Substitute Wendy Sheld-Walker for Deceased Plaintiff Ellen Sheld Pursuant to FRCP 25(A)(1) (ECF No. 30) is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Extend Deadline for Filing Motion for Leave to Substitute the Personal Representative of the Deceased Plaintiff (ECF No. 27) is DENIED as MOOT.

DATED this 6th day of July, 2017.

CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE