

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 Jihad Anthony Zogheib,

4 Plaintiff

5 v.

6 Jeffrey Turino,

7 Defendant

Case No.: 2:17-cv-00873-JAD-DJA

Order Dismissing and Closing Case

8 This is a conversion action by Jihad Anthony Zogheib against Jeffrey Turino. Almost
9 four years ago, Zogheib filed a statement of Turino's death under Federal Rule of Civil
10 Procedure 25(a)(1),¹ and he spent several years after that attempting to discover information
11 from Turino's criminal-defense attorney and others about who might be Turino's representative
12 or the executor of his estate. But those efforts proved fruitless, and the final subpoena against
13 Turino's attorney was quashed last November.² The net result is that this action remains pled
14 against Turino, only—a man who has been deceased for more than four years—and the deadlines
15 to serve the complaint³ or substitute in decedent's successor or representative have long passed.
16 Rule 25(a)(1) states that if a motion to substitute in the decedent's proper representative "is not
17 made within 90 days after service of a statement noting the death, the action by or against the
18 decedent must be dismissed." The rule is mandatory. Because the statement noting Turino's


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22 ¹ ECF No. 9.

23 ² ECF No. 41.

³ ECF No. 42 (ultimately extending the service deadline to 6/16/21).

1 death was filed more than 90 days ago, and no proper⁴ substitution has been accomplished, IT IS
2 THEREFORE ORDERED that this action is dismissed under Fed. R. Civ. Proc. 25(a)(1).

3 Dated: July 23, 2021

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6 U.S. District Judge Jennifer A. Dorsey
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23 ⁴ Although Zogheib filed a motion for substitution within the 90-day window, *see* ECF No. 11, 13, it was improper because it did not identify Turino’s representative or successor. *See* ECF No. 14 at 2 (“the court cannot grant a motion to substitute until Zogheib discovers who the proper party to substitute in Turino’s place is.”).