

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

STEPHEN THOMAS YELVERTON,)
Plaintiff,)
v.) No. 5:15-CV-134-BO
PHYLLIS Y. EDMUNDSON and YELVERTON)
FARMS, LTD.,)
Defendants.)

STEPHEN THOMAS YELVERTON,)
Plaintiff,)
v.) No. 5:16-CV-31-BO
YELVERTON FARMS, LTD.,)
Defendant.)

These matters are before the Court on a notice of suggestion of death of plaintiff Stephen Yelverton filed by defendants Phyllis Edmundson and Yelverton Farms pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure. Counsel for defendants represents that he has served a copy of the notice of suggestion of death on the personal representative of plaintiff's estate and the attorney who has been retained to settle plaintiff's estate.

Subsequent to the death of a party being suggested on the record, if the claim is not extinguished, a motion for substitution of the proper party must be made within ninety days of service of the notification of death. Fed. R. Civ. P. 25(a)(1). Accordingly, defendants' request to stay this matter pending substitution of the proper party [DE 83] is ALLOWED and this matter is hereby STAYED for ninety days from the date of filing of the suggestion death, July

25, 2017. If no motion to substitute the proper party has been filed at the close of the ninety-day period this action will be dismissed.

SO ORDERED, this 23 day of August, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE