

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:14-cv-00193-MR-DLH**

**TERESA ANN HENSLEY, Administrator
of the Estate of David Lee Hensley, et al.,**

Plaintiffs,

vs.

**BOBBY R. SUTTLES, Individually and in
his Official Capacity as former Sheriff
of Haywood County, et al.,**

Defendants.

ORDER

THIS MATTER is before the Court on the Plaintiffs' Motion to Correct Caption of Pleadings [Doc. 79].

The Plaintiffs move to amend the caption in the above-captioned matter in various respects. First, the Plaintiffs state that because Haley Hensley (referred to in the caption as "H.H.") has obtained her majority, she therefore should be substituted as a party plaintiff in lieu of her mother, Teresa Ann Hensley, as her parent and next friend. Second, the Plaintiff request that the Defendant Bobby Suttles in his individual capacity and Defendants Larry Bryson and David Mitchell in both their individual and

official capacities be removed in light of the Court's Order granting summary judgment to these Defendants. [Doc. 79].

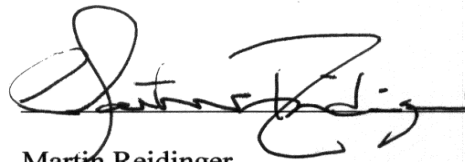
In response, the Defendants state that they do not object to removing Teresa Hensley and substituting Haley Hensley as a plaintiff or to removing certain Defendants based on the Court's prior ruling. The Defendants further argue that the Defendant surety companies should be removed from the caption and that the jury should not be advised of their participation in this matter. [Doc. 80].

For the reasons stated in the Plaintiffs' Motion, the Court will allow the substitution of Haley Hensley for "H.H., a minor, by and through her parent and next friend, Teresa Ann Hensley as General Guardian." As for the remainder of the parties identified in the caption, the Motion to Amend is denied. While certain Defendants have been dismissed in various capacities, no final judgment has been entered in this case. See Fed. R. Civ. P. 54(b). However, any document that is presented to the jury (such as a jury charge or verdict sheet) will refer only to the parties who remain in the case for trial, namely: Teresa Ann Hensley, Administrator of the Estate of David Lee Hensley; Haley Hensley; Rachelle Ferguson; Saralyn Price, Administrator of the Estate of Michael Scott Price; and Keith Allen Beasley.

IT IS, THEREFORE, ORDERED that the Plaintiffs' Motion to Correct Caption of Pleadings [Doc. 79] is **GRANTED IN PART** and **DENIED IN PART** to the extent stated in this Order.

IT IS SO ORDERED.

Signed: July 18, 2018


Martin Reidinger
United States District Judge

