

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16 cv 409**

JUDY E. JONES, as Executor of the)
Estate of Talmage Lee Jones Jr.,)

Plaintiff,)

v.)

**JASON ANTHONY HIGGINS, G&R)
TRUCKING COMPANY, INC., and)
CMH MANUFACTURING, INC.,)**

Defendants.)

ORDER

CMH MANUFACTURING, INC.,)

Third-party Plaintiff,)

v.)

**HOYLE’S TIRE AND AXLE, LLC d/b/a/)
HOYLE TIRE & AXLE)**

Third-party Defendant.)

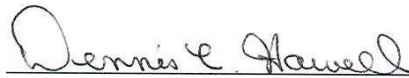
_____)

Pending before the Court is the Motion to Substitute Party [# 75] and the Motion to Amend the Motion to Substitute Party [# 79]. Judy E. Jones of the estate of Talmage Lee Jones Jr., deceased, moves to be substituted as plaintiff. It appears to the Court that the named plaintiff is deceased and that Judy E. Jones has been duly

appointed and is qualified and acting as the executor of his estate. It further appears to the Court that the cause of action survives the death of the named plaintiff.

For good cause, the Court **GRANTS** the motions [# 75, # 79]. The Court **ORDERS** that Judy E. Jones as Executor of the Estate of Talmage Lee Jones Jr., deceased, is hereby substituted as plaintiff and this substitution shall be hereafter shown in the title to this action.

Signed: February 12, 2018

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Dennis L. Howell
United States Magistrate Judge

