

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:14 CV 17**

**ROLAND GRADY, an individual,** )  
 )  
 **Plaintiff** )  
 )  
 v )  
 )  
 **B AND E GROCERY, INC., d/b/a** )  
 **Huddle House, a North Carolina for profit** )  
 **Corporation,** )  
 )  
 **Defendant.** )

**ORDER**

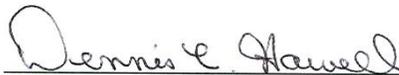
**THIS MATTER** is before the undersigned pursuant to a Notice of Suggestion of Death of named Plaintiff Roland Grady (#37) filed by Plaintiff’s counsel. In the Notice, Plaintiff’s counsel advised the Plaintiff died on June 30, 2015 but then further states the following, “Because the Court can no longer grant injunctive relief, this case is moot and dismissal is appropriate.” The Court cannot dismiss the pleadings in this matter in such a fashion. Plaintiff’s counsel is instructed that the Estate of the Plaintiff Roland Grady must be established in the appropriate state Clerk of Superior Court’s office. When either an executor or an administrator has been appointed, then Plaintiff’s counsel should move to substitute the administrator or executor as the party/plaintiff and then Plaintiff’s counsel may then consult with the Defendant and determine whether or not a stipulation of dismissal should be filed

in this matter.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Plaintiff's counsel shall take all necessary measures necessary to establish the estate of the deceased Plaintiff Roland Grady and shall secure appointment by the appropriate state Clerk of Superior Court's office of either an administrator or executor of the estate of Roland Grady. Plaintiff's counsel is further directed that at that time, they shall filed a motion for substitution of the administrator or executor as the appropriate party/plaintiff on behalf of the estate of Roland Grady and then shall take such further action as shall be deemed appropriate.

Signed: August 3, 2015



Dennis L. Howell  
United States Magistrate Judge

