

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

UNUM LIFE INSURANCE COMPANY )  
OF AMERICA, )  
 )  
Plaintiff, )

Civil Action No. 3:04CV247-GCM

v. )

DERRICK MACK, Individually and as )  
the Administrator of the Estate of Tasha )  
N. Mack, MELVIN NICHOLS and )  
PATRICIA NICHOLS, )  
 )  
Defendants. )

ORDER

THIS CAUSE came on to be heard on the motion of Patricia Nichols, Administrator of the Estate of Tasha N. Mack, to be substituted under Rule 17 of the Federal Rules of Civil Procedure as a party defendant in this action in place of Defendant Derrick Mack in his capacity as Administrator of the Estate of Tasha N. Mack.

It appears to the Court and the Court finds that this action is an interpleader of certain life insurance benefits payable as a result of the death of Tasha N. Mack, that Defendant Derrick Mack was joined as a defendant individually and as administrator of the Estate of Tasha N. Mack and pleaded counterclaims for the life insurance benefits in both capacities, that by order entered April 13, 2010, the Clerk of Superior Court of Mecklenburg County revoked Mr. Mack's letters of administration as Administrator of the Estate of Tasha N. Mack and, upon revocation of his letters of administration, he ceased to be the real party in interest with respect to the benefit claim of the Estate of Tasha N. Mack and that on July 29, 2010, the Clerk of Superior Court of Mecklenburg County issued to Patricia Nichols letters of administration as the Administrator of the Estate of

Tasha N. Mack and, upon issuance of those letters of administration, she became the real party in interest with respect to the Estate's benefit claim.

NOW, THEREFORE, it is hereby ordered that Patricia Nichols in her capacity as Administrator of the Estate of Tasha N. Mack is substituted as a party defendant in this action in place of Derrick Mack in his capacity as Administrator of the Estate of Tasha N. Mack.

Signed: August 9, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

