

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-617-RJC-DCK**

CATLIN SPECIALTY INSURANCE)
COMPANY,)
)
Plaintiff,)
)
v.)
)
STANLEY RECREATION CLUB, INC.,)
JAMES ABERNETHY, JOSHUA ROBERTS,)
L.C.N., a minor, by and through her Guardian)
ad Litem, Jerry N. Ragan, JEFFREY)
NICHOLSON, and KRISTI NICHOLSON,)
)
Defendants.)
)
_____)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff’s “Unopposed Motion For Substitution Of Deceased Defendant Abernethy.” (Document No. 35) filed April 28, 2017. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and is ripe for disposition. Having carefully considered the motion and the record, and noting that it is unopposed, the undersigned will grant the motion.

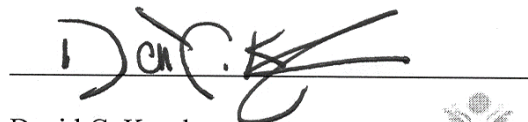
By the instant motion, Plaintiff contends that Defendant James Abernethy is now deceased, and should be substituted in this action by his mother, Linda H. Stamps, who is the personal representative of the Estate of James Abernethy. (Document No. 35) (citing Fed.R.Civ.P. 25(a)(1) and N.C.Gen.Stat. § 28A-4-1(a)-(b) (2017)); see also, (Document No. 36).

No opposition, or any other response, has been filed regarding the pending motion and the time for such filings has lapsed. See Local Rule 7.1 (E).

IT IS, THEREFORE, ORDERED that Plaintiff's "Unopposed Motion For Substitution Of Deceased Defendant Abernethy." (Document No. 35) is **GRANTED**. The Clerk of Court shall substitute Linda H. Stamps, as personal representative of the Estate of James Abernethy, for Defendant James Abernethy.

SO ORDERED.

Signed: May 18, 2017

A handwritten signature in black ink, appearing to read "D.C. Keesler", is written over a horizontal line.

David C. Keesler
United States Magistrate Judge

