

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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|---------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, | : | Case No. 1:17-cv-156 |
| | : | |
| Plaintiff, | : | District Judge Timothy S. Black |
| | : | Magistrate Judge Stephanie K. Bowman |
| vs. | : | |
| | : | |
| EIGHT (8) COUNTERFEIT | : | |
| WATCHES, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

ORDER GRANTING MOTION TO DISMISS CLAIM

This case is before the Court on the Government’s motion to dismiss the Claim of Decedent Claimant, Abdullah Luqman, pursuant to Fed. R. Civ. P. 25(a). (Doc. 38).

On April 19, 2017, the Government filed a Verified Complaint for Forfeiture *in rem* against Eight (8) Counterfeit Watches, and Assorted Counterfeit Clothing, Shoes, and Accessories (collectively, “Defendants”). (Doc. 1). On March 31, 2017, Decedent Claimant Abdullah Luqman filed a Claim to Defendants. (Doc. 3).

On November 30, 2023, counsel for Decedent Claimant filed a Statement of Death, noting that Ms. Dorothy Gilbert, a non-party, is Decedent Claimant’s mother and the only possible successor or likely personal representative of Decedent Claimant known to counsel. (Doc. 32). Counsel advised Ms. Gilbert of the instant action but noted that he was not retained to represent any successor, or personal representative for the Estate of Abdullah Luqman. (*Id.*) On February 15, 2024, Ms. Gilbert was served with a copy of the of the Statement of Death. (Doc. 37). On August 14, 2024, the Government filed the

instant motion to dismiss the Claim pursuant to Fed. R. Civ. P. 25(a), noting that more than ninety (90) days has elapsed from the date of service and no motion for substitution has been filed. (Doc. 38).

Pursuant to Fed. R. Civ. P. 25(a), if a claim is not extinguished following the death of a party, “[a] motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Here, Ms. Gilbert, who is Decedent Claimant’s only known possible successor or representative, was served with the Statement of Death on February 15, 2024. (Doc. 37). More than ninety (90) days have now passed and, to date, no claim has been filed and no motion has been made for substitution of the proper party.

Based upon the foregoing, the Government’s Rule 25(a) motion to dismiss the Claim is **GRANTED**. (Doc. 38). Accordingly, the Claim of Decedent Claimant Abdullah Luqman (Doc. 3) is **DISMISSED**.

IT IS SO ORDERED.

Date: 8/28/2024

s/ Timothy S. Black
Timothy S. Black
United States District Judge