

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ACCESS FOR THE DISABLED, INC.</b>	)	
<b>a Florida not for profit corporation, and DENISE</b>	)	
<b>PAYNE Individually</b>	)	
	)	<b>2:10-cv-50</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v</b>	)	
	)	
<b>MEYER JABARA HOTELS, LLC.</b>	)	
<b>A Foreign Corporation</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER OF COURT**

Pending before the Court is Plaintiffs' MOTION TO SUBSTITUTE DEFENDANT, filed at Document Number 19, seeking to substitute Defendant in this civil action with HIPA Associates, LLC, a company recently appointed to serve as receiver for the commercial use property owned, leased, leased to, and/or operated by Defendant that is the subject of the Plaintiffs' claims. Counsel for Defendant consents to the motion. Doc. No. 19. According to Plaintiffs' motion, a copy was sent to HIPA Associates, LLC, a nonparty to the matter *sub judice*, via "regular US mail" on August 10, 2010. *Id.*

The Federal Rules of Civil Procedure, particularly Rules 25(c) and 4, set forth the service requirements for any motion to substitute a nonparty for a party. The Court notes that simply mailing a copy of the motion to substitute by regular mail to the corporation appointed as the receiver of the subject property does not satisfy effective service as required under the Rules.

As such, Plaintiffs' consent motion is hereby **DENIED WITHOUT PREJUDICE**.

So ORDERED, this 11th day of August, 2010.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

cc: Pete Marlin Monismith, Esquire  
Email: monismith@thomasbaconlaw.com

J. Freedley Hunsicker, Esquire  
Email: fhunsicker@laborlawyers.com