
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

TFG-INDIANA, L.P., a Utah limited
partnership,

Plaintiff,

vs.

HANCO, INC. d/b/a CLASSICO SEATING,
an Indiana corporation, and HARRY T.
RICHARDSON, an individual

Defendants.

MEMORANDUM DECISION AND ORDER
GRANTING IN PART MOTION FOR
SUBSTITUTION OF PARTIES AND
AMENDMENT OF FINAL JUDGMENT

Case No. 2:12-cv-00146 DN
Judge David Nuffer

Plaintiff Assignee Republic Bank, Inc. (Republic Bank) filed a Motion for Substitution of Parties and Amendment of Final Judgment¹ pursuant to Rule 25(c) which allows for substitution of parties when a transfer of interest occurs. This Rule states:

Transfer of Interest. If an interest is transferred, the action may be continued by or against the original party unless the court, on motion, orders the transferee to be substituted in the action or joined with the original party. The motion must be served as provided in Rule 25(a)(3).²

The filings of Republic Bank in support of its motion show that the requirements of service under Rule 25(a)(3) have been met. Substitution of parties is permitted post judgment.³

As of the date of this decision there has been no opposition filed. [DUCivR 7-1\(d\)](#) provides that the Court may grant a motion if there is no opposition filed. Thus, failure to file any opposition is another independent basis for the Court to grant Republic Bank's motion.

¹ [Docket no. 17](#), filed November 3, 2014.

² Fed. R. Civ. P. 25(c).

³ [Air Line Pilots Ass'n Int'l v. Texas Int'l Airlines, Inc.](#), 567 F. Supp. 78, 81 (S.D. Tex.1983).

On or about October 20, 2014, TFG-Indiana, L.P. (“TFG”) assigned⁴ to Republic Bank all of its rights and interests in the following Judgments entered against the Defendants listed below: Default Judgment⁵ entered against the Defendants on June 7, 2012. The two Defendants are:

1. HANCO, INC. d/b/a CLASSICO SEATING, an Indiana corporation, and
2. HARRY T. RICHARDSON, an individual

In light of the assignment of rights in this suit from original Plaintiff TFG to Republic Bank, the Court finds Republic Bank’s request for substitution of parties under Rule 25 should be granted.

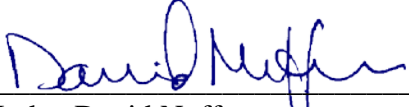
The motion also seeks “a corresponding amendment of the Final Judgment.”⁶ However, no authority is cited for this request.

ORDER

Accordingly, for those reasons fully set forth in Republic Bank’s memorandum in support of its motion and in this order, finding good cause shown, and pursuant to Rule 25(c), the Court GRANTS Republic Bank’s Motion for Substitution of Parties but denies Republic Bank’s motion for Amendment of Final Judgment. All future pleadings are to reflect the substitution.

DATED this 18th day of November 2014.

UNITED STATES DISTRICT COURT

By: 

Judge David Nuffer
United States District Court

⁴ Notice of Assignment of Judgment and Causes of Action, docket no. 17-1, filed November 3, 2014.

⁵ [Docket No. 14](#), filed June 7, 2012.

⁶ Motion for Substitution of Parties and Amendment of Final Judgment at 4.