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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 CSI CONSTRUCTION COMPANY,
8 a Colorado corporation,

9 Plaintiff,

10 v.

11 CAMPBELL'S SIDING & WINDOWS, an
12 Idaho corporation, and GARY PRICE,

13 Defendants.

No. 4:14-CV-5035-EFS

**ORDER GRANTING PLAINTIFF'S MOTION
FOR SUBSTITUTION OF PARTY**

14 Before the Court, without oral argument, is Plaintiff's Motion
15 for Substitution of Party, ECF No. 35. On July 20, 2015, Plaintiff
16 notified the Court that one of the defendants in the case, Mr. Gary
17 Price, had died. ECF No. 31. In response, the Court struck the trial
18 and pretrial deadlines and set a deadline for a motion to file a
19 substitution or dismissal. ECF No. 32. Plaintiff now asks the Court to
20 substitute the Estate of Gary Price and its personal representative,
21 Ms. Jennifer Price, as defendants in Mr. Price's place pursuant to
22 Federal Rule of Civil Procedure 25(a)(1).

23 Rule 25(a)(1) states "If a party dies and the claim is not
24 extinguished, the court may order substitution of the proper party. A
25 motion for substitution may be made by any party or by the decedent's
26 successor or representative." In this case, Plaintiff is seeking

1 monetary damages for Mr. Price's alleged breach of contract. ECF No.
2 1. The Court finds that the Estate of Gary Price and its personal
3 representative are the proper parties to be substituted in under Rule
4 25(a)(1). Therefore, the Court grants Plaintiff's Motion for
5 Substitution of Party, ECF No. 35.

6 Accordingly, **IT IS HEREBY ORDERED:**

7 **1.** Plaintiff's Motion for Substitution of Party, **ECF No. 35,**
8 **is GRANTED.**

9 **2.** Gary Price is terminated as a party, and is to be
10 substituted with the Estate of Gary Price and its personal
11 representative Jennifer Price.

12 **3.** Plaintiff's counsel must send a copy of this order to the
13 personal representative of the Estate of Gary Price and
14 must then file a declaration with this Court confirming
15 that it has been sent and including the address to which it
16 has been sent.

17 **4.** The Clerk's Office is directed to amend the case caption as
18 follows:

19 CSI CONSTRUCTION COMPANY,
20 a Colorado corporation,

21 Plaintiff,

22 v.

23 CAMPBELL'S SIDING & WINDOWS,
24 an Idaho corporation, and
ESTATE OF GARY PRICE AND ITS PERSONAL REPRESENTATIVE
JENNIFER PRICE

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