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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 BANK OF NEW YORK MELLON,

9 Plaintiff,

10 v.

11 SCOTT STAFNE AND MAYUMI
OHATA STAFNE, as Administrator of
the ESTATE OF TODD STAFNE,

12 Defendants.

C16-77 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Plaintiffs' Motion to Substitute Mayumi Ohata Stafne as Administrator of
16 the Estate of Todd Stafne under Federal Rule of Civil Procedure 25, docket no. 146, is
17 GRANTED. Substitution under Rule 25(a)(1) requires that: (1) the motion is timely; (2)
18 the claims pled are not extinguished; and (3) the person being substituted is a proper
19 party. *Stetson v. Washington State Department of Corrections*, 2016 WL 6126029, at *1
20 (W.D. Wash. Oct. 20, 2016) (citing Fed. R. Civ. P. 25(a)(1)). Here, plaintiff's motion
21 meets all three criteria for substitution under Rule 25(a)(1). Plaintiff's motion was timely
22 filed on July 25, 2017, within 90 days of receiving notice of Todd Stafne's death. Fed. R.
23 Civ. P. 25(a)(1). Plaintiff's claims against Todd Stafne survive his death. *See Stella
Sales, Inc. v. Johnson*, 97 Wn. App. 11, 18 (1999) ("When a party to a lawsuit dies, the
cause of action survives, but the action must be continued by or against the deceased
party's representatives or successors in interest. (citing RCW 4.20.050)). And as the
administrator of Todd Stafne's estate, Letters of Administration, docket no. 146-3,
Mayumi Ohata Stafne is the proper party to substitute under Rule 25(a)(1). *See Stella
Sales, Inc.*, 97 Wn. App. at 18; *see also Stetson*, 2016 WL 6126029, at *2 (noting that

1 Rule 25(a)(1) requires evidence that the party to be substituted is the deceased's legal
representative or successor in interest). Accordingly, Mayumi Ohata Stafne as
2 Administrator of the Estate of Todd Stafne, is hereby substituted for defendant Todd
Stafne pursuant to Fed. R. Civ. P. 25(a)(1).

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4 (2) On or before Friday, August 25, 2017, defendant Mayumi Ohata Stafne
may file objections to plaintiff's proposed amended judgment, docket no. 126, not to
exceed eight (8) pages. Any response by plaintiff shall not exceed eight (8) pages and
5 shall be filed on or before Wednesday, August 30, 2017.

6 (3) The Clerk is directed to update the docket to reflect that Mayumi Ohata
Stafne, as Administrator of the Estate of Todd Stafne, is substituted for defendant Todd
7 Stafne. The Clerk is further directed to send a copy of this Minute Order to all counsel of
record and to Bruce Chalgren Galloway, counsel for Mayumi Ohata Stafne, by email at
8 bruce@glgpllc.com and by first class mail at P.O. Box 425, Lake Stevens, WA 98258.

9 Dated this 16th day of August, 2017.

10 William M. McCool
11 Clerk

12 s/Karen Dews
13 Deputy Clerk
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