

1 THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 IN RE ZILLOW GROUP, INC.  
11 SHAREHOLDER DERIVATIVE  
12 LITIGATION

Master File No.: C17-1568-JCC

ORDER

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15 This matter comes before the Court on motion of counsel for Plaintiff Melvyn Klein for  
16 an extension of time to substitute party (Dkt. No. 81) and Mr. Klein's counsel's notice of  
17 suggestion of Mr. Klein's death (Dkt. No. 78). Having thoroughly reviewed the motion and the  
18 relevant record, the Court GRANTS the motion for the reasons explained below.

19 If a party dies and the claim survives, the Court may order substitution of the proper  
20 party. Fed. Rule. Civ. P. 25(a)(1). A motion for substitution must be made within 90 days after  
21 service of a statement noting the death, or else the action by or against the decedent must be  
22 dismissed. *See id.*

23 On August 31, 2021, Mr. Klein's counsel filed a notice of suggestion of Mr. Klein's  
24 death under Federal Rule of Civil Procedure 25(a)(1). (Dkt. No. 78.) Counsel learned that Mr.  
25 Klein's daughter was named as executrix in his will, and letters testamentary would be issued  
26 following probate proceedings in New York. (*Id.* at 1.) The delivery of the letters testamentary

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1 has been delayed due to COVID-19. (*Id.*) Counsel asserts a motion to substitute the Mr. Klein’s  
2 estate as a party will be filed once the letters are received. Counsel therefore requests an  
3 additional 90 days to make a motion to substitute. (*Id.* at 2.) No other parties have filed a  
4 response to this motion.

5 The Court FINDS that the facts in this matter justify an extension of 90 days to substitute  
6 a party. Counsel’s motion (Dkt. No. 81) is GRANTED. Mr. Klein’s counsel is DIRECTED to  
7 provide a status report to the Court if the letters remain outstanding after 80 days.

8 DATED this 10th day of January 2022.

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12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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