

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: C.R. BARD, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL 2187

LINDA S. RAISOR, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:12-cv-04726

C. R. BARD, INC., et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On April 12, 2019, defendants, C. R. Bard, Inc. and Sofradim Production SAS, filed a Motion for Dismissal without Prejudice for Humphrey Raisor [ECF No. 24]. In the motion, the defendants request that the deceased plaintiff, Humphrey Raisor, be dismissed because there has been no proper substitution of a party within the applicable timelines. Plaintiff has not responded, and the motion is ripe. On October 31, 2018, plaintiff's counsel filed a Suggestion of Death Upon the Record, noting the death of Humphrey Raisor [ECF 21]. In the Suggestion of Death, counsel states that he will serve parties and *appropriate nonparties* [emphasis added] with the Suggestion of Death. On February 22, 2019, plaintiff's counsel filed a Notice of Filing

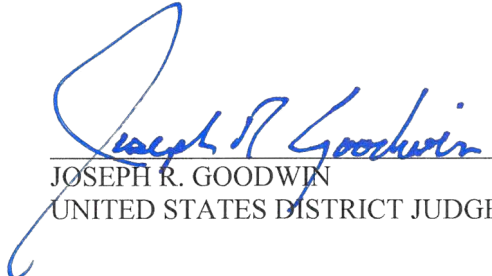
of Proof of Service of Plaintiff's Motion to Note Death of Humphrey Raisor on the Record [ECF No. 21].

Based upon the representation of plaintiff's counsel, the court finds that counsel has complied with Federal Rule of Civil Procedure 25(a)(1) and Pretrial Order # 289 filed in *In re: C. R. Bard, Inc., Pelvic Repair Sys Prods. Liab., Litig.*, 2:10-md-2187 ("MDL 2187") [ECF No. 6195] and no motion to substitute Humphrey Raisor has been filed in the appropriate time frame.

The court **ORDERS** that the Motion for Dismissal without Prejudice for Humphrey Raisor is **GRANTED**, and Humphrey Raisor is **DISMISSED without prejudice** and terminated from this civil action.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 16, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE