

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

CHARLESTON DIVISION

JANET WHITE,

Plaintiff,

v.

Civil Action No. 2:13-cv-28950

ETHICON, INC.
ETHICON, LLC and
JOHNSON & JOHNSON,

Defendants.

MEMORANDUM OPINION AND ORDER

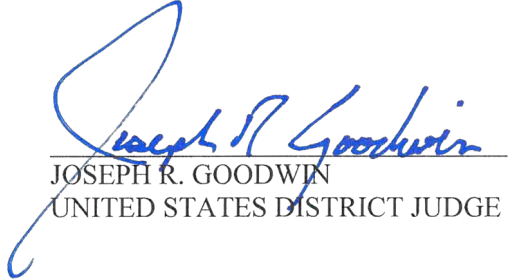
On August 31, 2017, a Suggestion of Death was filed by plaintiff's counsel suggesting the death of Janet White during the pendency of this civil action. [ECF No. 9].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order ("PTO") # 308 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: Ethicon, Inc., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2327 [ECF No. 6218], the time to substitute a proper party for the deceased party has expired. The plaintiff has on two separate occasions filed Motions requesting substitution of the deceased plaintiff and both motions were denied [ECF Nos. 15 and 20]. Rule 25(a) sets out the requirements for a proper motion to substitute a party and PTO # 308 reiterates the requirements for a Motion to Substitute. In this civil action, there has been no proper motion to substitute the deceased party. Janet White was the only plaintiff named in this matter.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 308, this case is **DISMISSED without prejudice** and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

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

ENTER: September 28, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE