

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

CHARLESTON DIVISION

FREDA MEAIGE,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-15099

ETHICON, INC., et al.

Defendants.

MEMORANDUM OPINION AND ORDER

On September 27, 2017, defendants' counsel filed a Suggestion of Death [ECF No. 11] noting the death of plaintiff Freda Meaige during the pendency of this action. Defendants' counsel then filed Defendants' Rule 25(a)(1) Motion to Dismiss on January 4, 2018 [ECF No. 13]. Pretrial Order ("PTO") # 308 outlines the procedures the court requires to either substitute a deceased party pursuant to Federal Rule of Civil Procedure 25(a) or to dismiss the deceased party from the civil action because of a failure to substitute the deceased party.

The court **FINDS** that the Suggestion of Death did not comply with Rule 25(a), but the time period as set forth in PTO # 308 to substitute a party has since passed. Therefore, the court **ORDERS** that this case is **DISMISSED without prejudice** and **STRICKEN** from the docket of this court. 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: April 9, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE