

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

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO

BILLIE R. MILAM,

Plaintiff,

v.

Civil Action No. 2:15-cv-05586

ETHICON, INC., and
JOHNSON & JOHNSON,

Defendants.

MEMORANDUM OPINION AND ORDER

Plaintiff, Billie R. Milam's counsel filed this civil action on May 4, 2015, [ECF No. 1]. On November 15, 2018, plaintiff's counsel filed a Suggestion of Death noting the death of plaintiff Billie R. Milam on or about April 24, 2015. Because the plaintiff was deceased prior to the time this case was filed, she cannot bring a lawsuit in her own name. "[A] lawsuit filed in the name of a deceased individual is a nullity over which this Court has no jurisdiction." *In re Engle Cases*, No. 3:09-cv-1000-J-32JBT, 2013 WL 8115442, at *2 (M.D. Fla. Jan. 22, 2013). Accordingly, the court **ORDERS** that this case is **DISMISSED** without prejudice and **STRICKEN** from the docket of this court.

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

ENTER: June 11, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE