

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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KATHLEEN BREEN, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 05-0654 (PLF)
	)	
ELAINE L. CHAO, Secretary of	)	
Transportation, Department of	)	
Transportation, <u>et al.</u> ,	)	
	)	
Defendants.	)	

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MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon the ten motions for substitution of estates filed by plaintiffs on August 18, 2017, seeking to substitute the personal representatives of the estates of ten deceased plaintiffs.<sup>1</sup> Defendants filed an omnibus opposition to the motions for substitution on September 1, 2017, to which plaintiffs filed their reply on September 8, 2017.

On October 16, 2017, the Court issued a memorandum opinion and accompanying order noting that the ten motions failed to make clear whether plaintiffs' counsel

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<sup>1</sup> The motions for substitution include the following: Plaintiffs' Motion for Substitution of Estate for Plaintiff Christopher Beale [Dkt. No. 352]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Craig Marcus [Dkt. No. 353]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Donald Northover [Dkt. No. 354]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Fred Lippi [Dkt. No. 355]; Plaintiffs' Motion for Substitution of Estate for Plaintiff John Schweigert [Dkt. No. 356]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Larry Johnston [Dkt. No. 357]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Maurita Potter [Dkt. No. 358]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Nancy Sutton [Dkt. No. 359]; Plaintiffs' Motion for Substitution of Estate for Plaintiff Robert Marshall [Dkt. No. 360]; and Plaintiffs' Motion for Substitution of Estate for Plaintiff Tommy Forte [Dkt. No. 361].

had been retained to represent each individual sought to be substituted as a personal representative of an estate. The Court explained that if plaintiffs' counsel did represent each individual sought to be substituted, the motions appeared to otherwise comply with Rule 25(a) of the Federal Rules of Civil Procedure. But if not, the motions did not comply with Rule 25(a) and the Court must deny them. The Court therefore directed plaintiffs' counsel to supplement the ten motions for substitution of estates. They have now done so. In three supplemental filings [Dkt. Nos. 369, 370, 372], plaintiffs' counsel have corrected the discrepancies noted by the Court and clarified that they do in fact represent each of the individuals sought to be substituted as representatives of the ten deceased plaintiffs' estates. Accordingly, and for the reasons stated in the Court's memorandum opinion issued on October 16, 2017, it is hereby

ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Christopher Beale [Dkt. No. 352] is GRANTED and Christopher Beale's estate, through his personal representative Barbara Hoyt, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Craig Marcus [Dkt. No. 353] is GRANTED and Craig Marcus's estate, through his personal representative Patricia Marcus, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Donald Northover [Dkt. No. 354] is GRANTED and Donald Northover's estate, through his personal representative Nyoka Northover, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Fred Lippi [Dkt. No. 355] is GRANTED and Fred Lippi's estate, through his personal representative Monica Lippi, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff John Schweigert [Dkt. No. 356] is GRANTED and John Schweigert's estate, through his personal representative Aaron Schweigert, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Larry Johnston [Dkt. No. 357] is GRANTED and Larry Johnston's estate, through his personal representative Deborah Johnston, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Maurita Potter [Dkt. No. 358] is GRANTED and Maurita Potter's estate, through her personal representative Veronica Missouri, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Nancy Sutton [Dkt. No. 359] is GRANTED and Nancy Sutton's estate, through her personal representative Carolyn Bixler, is substituted as plaintiff in this case; it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Robert Marshall [Dkt. No. 360] is GRANTED and Robert Marshall's estate, through his personal representatives William Marshall and Melissa Ross, is substituted as plaintiff in this case; and it is

FURTHER ORDERED that Plaintiffs' Motion for Substitution of Estate for Plaintiff Tommy Forte [Dkt. No. 361] is GRANTED and Tommy Forte's estate, through his personal representative Mary Forte, is substituted as plaintiff in this case.

SO ORDERED.

DATE: December 13, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge