

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**TAYLA GREENE**

**CASE NO. 3:20-CV-00578**

**VERSUS**

**JUDGE TERRY A. DOUGHTY**

**DAKOTA DEMOSS, ET AL.**

**MAG. JUDGE KAYLA D. MCCLUSKY**

**ORDER**

Before the undersigned Magistrate Judge, on reference from the District Court, is a First Amended Motion for Substitution [doc. # 68] filed by Plaintiff Tayla Greene. By this motion, Plaintiff seeks to substitute Darby Hollingsworth, in her capacity as tutor/tutrix of the minor, G.H. -- the lone surviving child and heir of Defendant, Chris Hollingsworth, who died intestate.

On March 18, 2021, the undersigned issued an order that set the motion for hearing on May 12, 2021, but added that if Darby Hollingsworth wished to waive the hearing and concede that she was the proper party to be substituted in this matter for Defendant, Chris Hollingsworth, then she could so stipulate, in writing, and file same with the Clerk of Court by May 5, 2021. (March 18, 2021, Order [doc. # 69]).

On May 5, 2021, Darby Hollingsworth, via counsel, filed a response to the court's order wherein she acknowledged that,

1. Chris Hollingsworth died intestate on September 22, 2020.
  2. At the time of his death, Darby Hollingsworth was married to Chris Hollingsworth.
  3. During their marriage, Chris and Darby Hollingsworth had one child, [G.H.].
  4. Darby Hollingsworth is the natural tutor of her minor child, [G.H.]
  5. [G.H.] is the legal successor to Chris Hollingsworth.
- (Darby Hollingsworth Response [doc. # 70]).

Darby Hollingsworth further stipulated that she was the proper party to be substituted as defendant in lieu of her deceased husband, Chris Hollingsworth, but solely in her capacity as natural tutor/tutrix of G.H. *Id.*

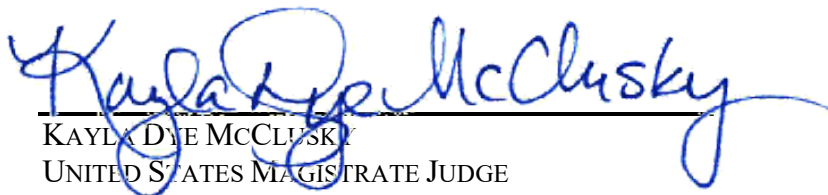
Upon consideration of Darby Hollingsworth stipulation, including her testimony at her March 12, 2021, deposition in this matter, *see* [doc. # 68-1], together with the absence of evidence that an administrator has been appointed for the succession of Chris Hollingsworth,

IT IS ORDERED that Plaintiff's First Amended Motion for Substitution [doc. # 68] is GRANTED, and that Darby Hollingsworth, in her capacity as tutor/tutrix of the minor, G.H., is substituted in lieu of deceased Defendant, Chris Hollingsworth, reserving her right to assert "any and all claims, actions, and defenses which would have been available to Chris Hollingsworth."

IT IS FURTHER ORDERED that Plaintiff is granted leave to file an amended complaint by **May 21, 2021**, that substitutes Darby Hollingsworth, in her capacity as tutor/tutrix of the minor, G.H., in lieu of deceased Defendant, Chris Hollingsworth.<sup>1</sup>

IT IS FURTHER ORDERED that the May 12, 2021, hearing on the motion for substitution is moot, and therefore, CANCELED.

In Chambers, at Monroe, Louisiana, on this 7th day of May, 2021.

  
KAYLA DYE MCCLUSKY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Once the amended complaint is filed and the Clerk of Court issues summons for Darby Hollingsworth, Plaintiff shall ensure that she is properly served in accordance with **Rule 4** of the Federal Rules of Civil Procedure.