

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STACIE RAY,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 2:18-cv-00272
)	
v.)	
)	
LANCE HIMES,)	Judge: Michael Watson
<i>et al.</i> ,)	
)	Magistrate Judge: Chelsey Vascura
Defendants.)	
)	

**PLAINTIFFS’ UNOPPOSED MOTION TO SUBSTITUTE AMY ACTON AS
DEFENDANT SUED IN HER OFFICIAL CAPACITY**

On March 29, 2018, Plaintiffs filed this civil rights case against Lance Himes, in his official capacity as acting Director of the Ohio Department of Health, as well as Karen Sorrell and Judith Nagy, two additional state official-capacity Defendants. *See* ECF No. 1. On February 26, 2019 Governor Mike DeWine appointed Amy Acton as Director of the Ohio Department of Health. *See* Randy Ludlow, *Physician Amy Acton will lead Ohio Department of Health*, The Columbus Dispatch (Feb. 26, 2019, 5:52 PM) <https://www.dispatch.com/news/20190226/physician-amy-acton-will-lead-ohio-department-of-health>.

Federal Rule of Civil Procedure 25(d) provides that “[a]n action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer’s successor is automatically substituted as a party. Later proceedings should be in the substituted party’s name, but any misnomer not affecting the

parties' substantial rights must be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution." Fed. R. Civ. P. 25(d).

Accordingly, Plaintiffs respectfully seek an Order from this Court substituting Director Amy Acton, in her official capacity, for Lance Himes.

Plaintiffs have conferred with counsel for Defendants, and they do not oppose this Motion.

Respectfully submitted,

/s/ Elizabeth Bonham

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2019, I electronically filed the foregoing with the Clerk of the Court for the for the U.S. District Court for the Southern District of Ohio using the CM/ECF system and a copy was served on counsel for all parties through that system.

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