

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

HUNTINGTON DIVISION

CHRISTOPHER FAIN,
SHAWN ANDERSON,
 a/k/a Shauntae Anderson; and
LEANNE JAMES,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CIVIL ACTION NO. 3:20-0740

WILLIAM CROUCH, in his official capacity as
Cabinet Secretary of the West Virginia
Department of Health and Human Resources;
CYNTHIA BEANE, in her official capacity as
Commissioner for the West Virginia Bureau for
Medical Services; WEST VIRGINIA DEPARTMENT
OF HEALTH AND HUMAN RESOURCES,
BUREAU FOR MEDICAL SERVICES; and JASON
HAUGHT, in his official capacity as Interim Director of the
West Virginia Public Employees Insurance Agency,

Defendants.

ORDER

Pending before the Court is Defendant Jason Haught's (Defendant) Motion for Relief as a Result of Suggestion of Death. ECF No. 215. In his Motion, Defendant argues that, since the passing of Plaintiff Leanne James, the claims in Plaintiffs' Motion for Leave to File Second Amended Complaint are now moot. *Id.* at 2. Defendant further asserts that the Order staying the fact discovery deadline until the Court had ruled on the Motion for Leave would be inapplicable upon the denial of that Motion. *Id.* at 2–3. Lastly, because there are no Plaintiffs with a current claim against Defendant, he requests that proceedings or claims against him be stayed until the

Court grants any Motion for Substitution that may be filed by Plaintiffs within the 90-day period they have to do so. *Id.* at 3. If no such motion is filed, Defendant argues that he should be dismissed. *Id.*

The Court **DIRECTS** Plaintiffs to respond to Defendant's Motion on or before Thursday, March 24, 2022.

The Clerk is **DIRECTED** to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 18, 2022

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE