

**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

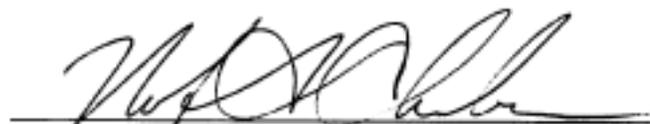
Pending before the Court is a Motion for Relief as a Result of Suggestion of Death by Defendant Jason Haught. ECF No. 215. Defendant Haught argues that, due to Plaintiff Leanne James' passing, the Motion for Leave to File Second Amended Complaint should be denied as moot. Plaintiffs responded to this Motion and informed the Court that the Administratrix of Ms. James' estate will not be substituted in this action in place of Ms. James and does not wish to pursue any of Ms. James' claims. ECF No. 222 at 1.

Therefore, the Court **GRANTS** Defendant's Motion (ECF No. 215) and **DENIES** as **MOOT** Plaintiffs' Motion for Leave to File a Second Amended Complaint. ECF No. 187. Further,

the Court **DISMISSES** Ms. James' existing equal protection claim found in the First Amended Complaint. *Am. Compl.*, ECF No. 140, Count I. Having no remaining claims, the Court **DIRECTS** the Clerk to remove Plaintiff Leanne James from the style of the case. Additionally, as there are no pending claims against Defendant Haught, the Court **DIRECTS** that he be **DISMISSED** from this action without prejudice.

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

ENTER: March 25, 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