

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

NICHOLAS SZYMANSKI and
GLENDA SZYMANSKI,

Plaintiffs,

v.

Case No: 08-cv-2062-KHV-DJW

AUTOMOBILE CLUB INTER-INSURANCE
EXCHANGE, d/b/a AAA INSURANCE,

Defendant.

ORDER

Pending before the Court is Plaintiffs' Motion to Substitute Proper Party Defendant (doc. 5). Defendants have no opposition to the motion. Substitution of a party under Fed. R. Civ. P. 25 is improper in the present case. However, the Court assumes that the Plaintiff is requesting leave to amend their complaint in order to substitute the proper defendant pursuant to Fed. R. Civ. P. 15. The Court will grant the motion as uncontested. Within **ten (10) days** of the date of filing of this Order Plaintiffs shall file and serve the Amended Complaint. The newly named Defendant shall file and serve an answer or other responsive pleading within **twenty (20) days** thereafter.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Substitute Proper Party Defendant (doc. 5) is granted.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 6th day of March 2008.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and *pro se* parties