

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

**MOHAMMED NOROUZIAN,**

**Plaintiff,**

**v.**

**UNIVERSITY OF KANSAS HOSPITAL  
AUTHORITY and KANSAS UNIVERSITY  
MEDICAL CENTER,**

**Defendants.**

**CIVIL ACTION**

**NO. 09-2391-KHV**

**MEMORANDUM AND ORDER**

In this employment discrimination action, plaintiff alleges that Kansas University Medical Center (“KUMC”) harassed and discriminated against him on the basis of national origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* This matter comes before the Court on plaintiff’s Motion To Mandate The Real Party In Interest (Doc. #132), filed August 18, 2010. Under Rule 17, Fed. R. Civ. P., and K.S.A. § 60-217(a), plaintiff seeks to mandate the “real party in interest” in this case, arguing that KUMC is the real party in interest and that the University of Kansas Hospital Authority (“UKHA”) was “joined without petition.” Defendants do not oppose plaintiff’s motion.

As a preliminary matter, K.S.A. § 60-217(a) is a state rule of procedure and therefore does not apply in this case. Rule 1, Fed. R. Civ. P. (“These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81.”). Rule 17(a)(1), Fed. R. Civ. P., requires that actions be prosecuted in the name of the real party in interest, a term of art used in federal law to refer to an actor with a substantive right whose interests may be represented in litigation by another. U.S. ex rel. Eisentstein v. City of New York, NY, 129 S. Ct.

2230, 2235 (2009). By its terms, Rule 17(a) applies only to joinder of parties who assert claims. Lincoln Property Co. v. Roche, 546 U.S. 81, 90 (2005). Plaintiff seeks to designate KUMC as the real party in interest under Rule 17(a), but KUMC is a defendant who is not asserting a claim. Therefore, the Court cannot designate KUMC as the real party in interest and therefore overrules plaintiff's motion.

**IT IS THEREFORE ORDERED** that plaintiff's Motion To Mandate The Real Party In Interest (Doc. #132), filed August 18, 2010 be and hereby is **OVERRULED**.

Dated this 12th day of January, 2011, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge