

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

CATHLEEN COLVIN *et al.*,

Plaintiffs,

v.

SYRIAN ARAB REPUBLIC,

Defendant.

Civil No. 1:16-CV-01423 (ABJ)

PLAINTIFFS' MOTION FOR SUBSTITUTION OF REAL PARTY IN INTEREST

Plaintiffs in the above-captioned matter, by and through their undersigned counsel, respectfully make this motion for an order substituting Christopher Araya-Colvin, beneficiary of the estate of Marie Colvin, for Cathleen Colvin as parent and next friend of minor C.A.C., beneficiary of the estate of Marie Colvin, as the real party in interest now that Christopher has reached the age of majority.

In support of this Motion, Plaintiffs state as follows:

1. On July 9, 2016, this action was brought by Plaintiffs Cathleen Colvin and Justine Araya-Colvin individually and by Cathleen Colvin as parent and next friend of minors C.A.C. and L.A.C., beneficiaries of the estate of Marie Colvin. Christopher was named as beneficial plaintiff C.A.C. in Plaintiffs' Complaint. ECF No. 1.

2. On December 22, 2017, Christopher turned 18 years of age, and is therefore no longer a minor requiring representation by Cathleen Colvin.

3. The Federal Rules of Civil Procedure ("FRCP") do not contain a specific provision for substitution when a minor plaintiff reaches the age of majority; however, courts

have previously substituted plaintiffs as the real party in interest in this circumstance under FRCP Rule 17(a)(3), Rule 15, and Rule 25. *See Brooks v. District of Columbia*, 841 F. Supp. 2d 253, 260–261 (D.D.C. 2012) (permitting substitution of the real party in interest under FRCP Rule 17(a)(3) after defendants challenged a guardian’s standing to pursue an action on behalf of a plaintiff who had turned 18); Minute Order granting Pls.’ Mot. to Substitute, *Clay v. District of Columbia*, No. 09-cv-01612 (D.D.C. Apr. 24, 2013) (same); *Walker v. Evans*, No. 10-12596, 2011 WL 3583248, at *1 (E.D. Mich. Aug. 15, 2011) (recognizing that substitution of plaintiffs as real parties in interest after reaching the age of majority would be appropriate under FRCP Rule 15 or Rule 25). If Christopher is substituted as the real party in interest, this action will proceed “as if it had originally been commenced by [him].” FRCP Rule 17(a)(3).

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that this Motion be granted and that the Court enter an order: (i) substituting Christopher Araya-Colvin, beneficiary of the estate of Marie Colvin, as the real party in interest in place of Cathleen Colvin as parent and next friend of minor C.A.C., beneficiary of the estate of Marie Colvin; and (ii) directing the Clerk of the Court to amend the docket to reflect the substitution.

Dated: March 22, 2018

Respectfully submitted,

/s/ Scott A. Gilmore

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