

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

James Frantz v. Westmoreland County Prison, Brian L. Kline,
Wexford Health Sources, Inc.

Frantz · No. 2:23-cv-00284 · Decided February 27, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania reviewed objections to a magistrate judge’s report and recommendation concerning substitution after the plaintiff’s death. The court denied former counsel’s motion to substitute because counsel lacked authority under Federal Rule of Civil Procedure 25(a), denied the defendants’ motions to dismiss without prejudice because service did not establish that the Rule 25(a) 90-day period had been triggered, and ordered counsel removed from the docket.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Joy Flowers Conti
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	February 27, 2026
DOCKET	2:23-cv-00284
DISPOSITION	other
PROCEDURAL POSTURE	Review of a magistrate judge's Report and Recommendation recommending denial of a motion to substitute a party representative and dismissal of the action after the plaintiff's death.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3) for properly objected-to dispositive recommendations; clear-error review of the remainder as a matter of good practice.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	James Frantz v. Westmoreland County Prison, Brian L. Kline, Wexford Health Sources, Inc.

TOPICS

motions to dismiss

civil procedure

service of process

estate administration

section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner rights

estate administration

QUESTIONS PRESENTED

1. Whether Frantz's former attorney was authorized under Federal Rule of Civil Procedure 25(a)(1) to move for substitution after Frantz's death.
2. Whether service of the suggestion of death on Frantz's sisters triggered Rule 25(a)(1)'s 90-day deadline for moving to substitute the proper party.
3. Whether the defendants' motions to dismiss should be granted based on the alleged expiration of the Rule 25 substitution period.

HOLDINGS

1. Former counsel for the deceased plaintiff was neither a party nor the decedent's successor or representative and therefore could not properly move for substitution under Rule 25(a)(1). His motion to substitute was a nullity and was properly denied.
2. The record did not establish that defendants triggered Rule 25(a)(1)'s 90-day substitution period because the suggestion of death was not shown to have been served on Pletcher, the estate's personal representative and proper party for substitution.
3. The motions to dismiss were denied without prejudice because the record did not establish that the Rule 25(a)(1) 90-day period had been triggered.

KEY QUOTATIONS

“Baird, the former attorney of Frantz, is not a party and is not Frantz’s successor or representative. Baird’s motion for substitution is a nullity.” (at 4)

“Rule 25(a)(3) requires that both the motion to substitute and the suggestion of death be served pursuant to Rule 5 for parties and pursuant to Rule 4 for nonparties.” (at 5)

“The record before the court does not establish that defendants triggered the 90-day notice period in Rule 25.” (at 8)

FACTUAL BACKGROUND

Frantz's attorney filed the original prisoner civil-rights complaint and remained counsel of record when Frantz died. After defendants filed a suggestion of death, they served it on Frantz's sisters, but the record did not show that they served Joani Pletcher, who had been appointed administrator of Frantz's estate. Frantz's former attorney then moved to substitute Pletcher, without establishing that he represented or had instructions from her.

PROCEDURAL HISTORY

Frantz filed the action in 2023 and died on May 17, 2025. Defendants filed a suggestion of death and later moved to dismiss after the Rule 25 substitution period they identified had expired. Frantz's former counsel filed a motion to substitute Joani Pletcher, the administrator of Frantz's estate, and opposed dismissal. The magistrate judge recommended denial of substitution and dismissal; counsel objected, and the district court conducted de novo review of the disputed recommendations.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The motions to dismiss were denied without prejudice, the motion to substitute was denied, the Report and Recommendation was adopted in part and not adopted in part, and attorney Graham Baird was removed from the docket.

CASES CITED

- Fraunhofer-Gesellschaft Zur Forderung Der Angewandten Forschung E.V. v. Sirius XM Radio Inc., No. 1:17CV184, 2021 WL 1147010, at *1 (D. Del. Mar. 25, 2021)
- McClain v. Pennsylvania Department of Corrections, No. 1:19-CV-1951, 2020 WL 1690081, at *1 (M.D. Pa. Apr. 7, 2020)
- Univac Dental Co. v. Dentsply Intern., Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)
- Hafen v. Wade, No. 2:19-CV-00916, 2022 WL 17061294, at *3 n.16 (D. Utah Nov. 17, 2022)
- Giles v. Campbell, 698 F.3d 153, 158-59 & nn.3, 5 (3d Cir. 2012)
- Easley v. Wetzel, No. 1:21-CV-251, 2022 WL 22907223, at *1 (W.D. Pa. Nov. 4, 2022)
- Ralston v. Garabedian, 2022 WL 3647818, at *2-3 (E.D. Pa. Aug. 24, 2022)
- Grimm v. Grimm, 149 A.3d 77, 84 (Pa. Super. Ct. 2016)
- Reposh v. Sellers, 2016 WL 1364247, at *3 (M.D. Pa. Apr. 6, 2016)
- Feyka v. Wal-Mart Stores, Inc., No. 2:19-CV-00288, 2020 WL 13656235, at *2 (W.D. Pa. Dec. 4, 2020)