

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MARISOL GOMEZ, individually and on behalf of herself and all others similarly situated,)	Case No.: 1:15-cv-01489 JLT BAM
)	
Plaintiff,)	ORDER DIRECTING PLAINTIFF TO FILE
)	SUPPLEMENTAL BRIEFING TO
v.)	DEMONSTRATE COMPLIANCE WITH RULE 25
)	OF THE FEDERAL RULES OF CIVIL
J. JACOBO FARM LABOR)	PROCEDURE
CONTRACTOR, INC.,)	
)	
Defendant.)	

Marisol Gomez and Ignacio Osorio-Cruz initiated this action on behalf of themselves and others similarly situated, asserting violations of California wage and hour laws and the federal Agricultural Workers Protection Act. (*See generally* Docs. 1, 95.) However, Class Counsel recently informed the Court that Mr. Osorio-Cruz is deceased, after which the Court ordered the filing of a Notice of Suggestion of Death on the record. (Doc. 190-1 at 6, n.6.) Therefore, the Court ordered counsel to comply with the requirements of Rule 25 of the Federal Rules of Civil Procedure, including identifying his nonparty successor or representative and serving the notice. (Doc. 192.)

Counsel filed a Notice of Suggestion of Death on April 24, 2024, indicating that Mr. Osorio-Cruz passed away on July 26, 2022. (Doc. 193 at 2.) Counsel indicated that “[t]he widow and life partner of Plaintiff Ignacio Osorio notified Counsel for Plaintiffs of the death on November 3, 2023.” (*Id.*) Class Counsel identified Maria Cortez Ruiz as “Ignacio Osorio’s Nonparty Successor or

1 Representative” and served her with the Notice of Suggestion of Death by mail. (Doc. 193-2 at 1.)

2 Significantly, the death certificate of Mr. Osorio-Cruz indicates that he “was never married.”
3 (Doc. 193-1 at 2.) Counsel have not provided any information related to the relationship between Ms.
4 Cortez Ruiz and Mr. Osorio-Cruz, such as whether they were in a registered legal partnership, to
5 demonstrate that she is Mr. Ruiz’s lawful successor. There also is no information provided as to
6 whether he had any heirs or surviving family. Without additional information, the Court is unable to
7 find Ms. Cortez Ruiz qualifies as his nonparty successor in interest or representative, as required under
8 Rule 25 of the Federal Rules of Civil Procedure.

9 Accordingly, the Court **ORDERS**: Within 10 days of the date of service, Plaintiff **SHALL** file
10 supplemental briefing regarding Mr. Osorio-Cruz, addressing whether he had any children and
11 whether Ms. Cortez Ruiz qualifies as his legal successor-in-interest or representative party as required
12 under Rule 25 of the Federal Rules of Civil Procedure.

13
14 IT IS SO ORDERED.

15 Dated: **May 8, 2024**


UNITED STATES DISTRICT JUDGE