

Rule 25. Substitution of Parties

(a) Death.

(1) If a party dies, a suggestion of death may be filed and served upon the parties as provided in SCR-Dom Rel 5. The suggestion of death shall include a statement of the fact of the death. If the claim is not extinguished, the Court may order substitution of the proper parties upon motion made by any party or by the successors or representatives of the deceased party and served on the parties as provided in SCR-Dom Rel 5 and upon the persons to be substituted as provided in SCR-Dom Rel 4. Unless the motion for substitution is made within 90 days after the death is suggested upon the record, the action shall be dismissed as to the deceased party.

(2) If upon the death of a party the action survives only as to the remaining co-plaintiff(s) or co-defendant(s), the death shall be suggested upon the record and the action shall proceed in favor of or against the remaining parties.

(b) Incompetency. If a party becomes incompetent, the Court upon motion made and served as provided in paragraph (a) of this Rule may allow the action to be continued by or against the party's representative.

(c) Transfer of interest. In case of any transfer of interest, the action may be continued by or against the original party, unless the Court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. Service of the motion shall be made as provided in paragraph (a) of this Rule.