

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
August, 2006.

| | | |
|---|---|-------------------------------------|
| Duane Stoyer, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. WC-2006-0129</u> |
| |) | |
| Folsom Ridge, LLC, Owning and Controlling the |) | |
| Big Island Homeowners Association, |) | |
| |) | |
| Respondent. |) | |

ORDER DISMISSING COMPLAINT

Issue Date: August 3, 2006

Effective Date: August 13, 2006

Duane Stoyer filed a complaint against Folsom Ridge, LLC, owning and controlling the Big Island Homeowners Association, on September 23, 2005. A letter from a friend and fellow complainant, Benjamin D. Pugh, filed on April 24, 2006, states that Mr. Stoyer died on April 8. Folsom Ridge and the Homeowners Association filed a motion on June 9 asking the Commission to dismiss Mr. Stoyer's complaint because of the complainant's death.¹ No response to the motion to dismiss has been filed.

Section 52.13(a) of the Missouri Rules of Civil Procedure provides that "unless a motion for substitution is served within 90 days after the suggestion of death is filed, the

¹ The motion to dismiss was filed in the consolidated case, Case No. WC-2006-0082 et al, which was established to consider related complaints filed by other individuals. This case was severed from the consolidated case on June 13.

action shall be dismissed as to the deceased party without prejudice.” More than 90 days have passed since the Commission was notified of Mr. Stoyer’s death and no motion for substitution has been filed. Therefore, the Commission will dismiss Mr. Stoyer’s complaint without prejudice.

IT IS ORDERED THAT:

1. Duane Stoyer’s complaint is dismissed without prejudice.
2. This order shall become effective on August 13, 2006.
3. This case shall be closed on August 14, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Woodruff, Deputy Chief Regulatory Law Judge