

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ESTATE OF SHAHNAZ KHAVIDI,            )  
  )  
  Plaintiff,            )  
  )  
  v.                            )        No.    10 C 5767  
  )  
UNIVERSITY OF ILLINOIS AT            )  
CHICAGO,                                    )  
  )  
  Defendant.            )


MEMORANDUM ORDER

This FMLA action has been brought in the name of the "Estate of Shahnaz Khavidi" against the late Dr. Khavidi's former employer, University of Illinois at Chicago ("University"). This memorandum order is issued sua sponte to correct a misapprehension on the part of plaintiff's counsel.

Under Illinois law a decedent's estate is not a legal entity capable of suing or being sued. Instead the proper plaintiff is the personal representative (executor or administrator, as the case may be) of the estate.

Accordingly plaintiff's counsel is ordered to file an appropriate amendment to the Complaint (a full-blown Amended Complaint is not necessary, unless counsel considers that to be preferable) on or before September 24, 2010. Because the matter addressed here is not jurisdictional in nature, this Court is contemporaneously issuing its customary initial scheduling order, and plaintiff's counsel is expected to provide University with copies of this memorandum order and of the amendment required by

this order in conjunction with the service of process.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive style with a large initial "M".

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Milton I. Shadur  
Senior United States District Judge

Date: September 15, 2010