

748 F.2d 602, *, 1984 U.S. App. LEXIS 15990, **;
1984-2 Trade Cas. (CCH) P66,311; 40 Fed. R. Serv. 2d (Callaghan) 954

[HN11] The decision whether to allow substitution is discretionary. *Collateral Control Corp. v. Deal (In re Covington Grain Co.)*, 638 F.2d 1357, 1360 (5th Cir. Unit B 1981); *Prop-Jets, Inc. v. Chandler*, 575 F.2d 1322, 1324 (10th Cir.1978); *Fontana v. United Bonding Insurance Co.*, 468 F.2d 168, 170 (3d Cir.1972). In this case, the district court refused substitution because Patterson's participation had been and would continue to be highly disruptive of the orderly administration of the litigation. We find no abuse of discretion.

V.

For the reasons we have stated, the district court's summary judgment in favor of the **[**25]** defendants and against SAFFCO is VACATED, and the case is REMANDED for further proceedings on SAFFCO's antitrust claims against the defendants. In all other respects, the district court is AFFIRMED.

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
(Central Islip)

Kahn V. Bmw Of North America, Llc

PLAINTIFF: Richard Kahn

DEFENDANT: BMW of North America, LLC

DOCKET CASE NUMBER: 2:14cv2463

FILING DATE: 4/17/2014

JURISDICTION: Diversity

JUDGE: Arthur D. Spatt

REFERRED TO: Magistrate Judge Anne Y. Shields

NATURE OF SUIT: 370 Fraud

FILING TYPE: Civil - Class Action

CAUSE: Diversity-Fraud28 USC 1332

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