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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 DANIEL KIM, et al.,

12 Plaintiffs,

13 v.

14 U.S. SECRETARY OF THE INTERIOR, et al.,

15 Defendants.

CASE NO. 1:16-CV-01656-LJO-SKO

STIPULATION AND ORDER TO SUBSTITUTE  
THE UNITED STATES OF AMERICA AS  
DEFENDANT

16  
17 Plaintiffs Daniel Kim, Grace Kim, Hannah Kim, Francis S. Lee, and Vivian Lee, and the United  
18 States of America jointly stipulate as follows.

19 Plaintiffs have filed a lawsuit against the U.S. Secretary of the Interior, the U.S. National Park  
20 Service, Yosemite National Park, and Does 1-20, under the Federal Tort Claims Act (“FTCA”). *See*  
21 ECF 1.

22 However, pursuant to the FTCA, the only proper defendant is the United States of America. *See*  
23 28 U.S.C. §§ 2674, 2679(a); *see also Woods v. United States*, 720 F.2d 1451, 1452 n.1 (9th Cir. 1983)  
24 (“[T]he United States is the only proper defendant in an action brought under the Federal Torts Claims  
25 Act.”); *Lance v. United States*, 70 F.3d 1093, 1095 (9th Cir. 1995) (affirming dismissal of Doe  
26 defendants because “[t]he United States is the only proper defendant in an FTCA action”).

27 Accordingly, Plaintiffs and the United States of America jointly stipulate that the United States  
28 shall be substituted as the defendant in the place of the U.S. Secretary of the Interior, the U.S. National

1 Park Service, and Yosemite National Park, and Does 1-20 shall be dismissed from the suit.

2  
3 Dated: March 27, 2017

PHILLIP A. TALBERT  
United States Attorney

4  
5 By: \_\_\_\_\_  
6 PHILIP A. SCARBOROUGH  
Assistant United States Attorney

7 Attorneys for the United States of America

8 Dated: March 27, 2017

GIRARDI KEESE

9  
10 By: \_\_\_\_\_  
11 Attorneys for Plaintiffs

12 **ORDER**

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14 Pursuant to the joint stipulation between Plaintiffs and the United States (Doc. 18), the United  
15 States of America is hereby SUBSTITUTED as the sole defendant in this action in the place of the U.S.  
16 Secretary of the Interior, the U.S. National Park Service, Yosemite National Park, and Does 1-20.

17 Accordingly, the U.S. Secretary of the Interior, the U.S. National Park Service, Yosemite  
18 National Park, and Does 1-20 are DISMISSED, and the Clerk of Court is directed to TERMINATE the  
19 U.S. Secretary of the Interior, the U.S. National Park Service, Yosemite National Park, and Does 1-20.

20  
21 IT IS SO ORDERED.

22 Dated: March 28, 2017

/s/ Sheila H. Oberto  
UNITED STATES MAGISTRATE JUDGE