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6 Attorneys for the United States of America,  
and the Hon. Eric K. Shinseki, Secretary of Veterans Affairs  
7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10  
11 MARJORIE McCLISS and MARK McCLISS,

12 Plaintiffs,

13 v.

14 JIMMIE EARL WARD; JAMES B. PEAKE,  
Secretary of Veterans Affairs; DEPARTMENT  
15 OF VETERANS AFFAIRS; and DOES 1  
through 100, inclusive,

16 Defendants.  
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CASE NO. 2:07-cv-01154-MCE-KJM

**NOTICE OF SUBSTITUTION OF  
DEFENDANT AND ORDER**

**[Fed.R.Civ.P. 25(d)(1)]**

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19 NOTICE IS HEREBY GIVEN that on January 20, 2009, General Eric K. Shinseki was  
20 confirmed by the United States Senate as Secretary of Veterans Affairs, replacing James B. Peake, M.D.

21 Accordingly, pursuant to Fed. R. Civ. P. 25(d)(1), Eric K. Shinseki will be substituted as  
22 defendant in place of James B. Peake, and all further proceedings in this action “shall be in the name of  
23 the substituted party.” Defendants Eric K. Shinseki and the United States of America further request  
24 that the caption used in this case be modified to reflect this substitution.  
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1 Respectfully submitted,

2 DATED: January 21, 2009

LAWRENCE G. BROWN  
Acting United States Attorney

3  
4 By:           /s/ Todd Pickles          

TODD A. PICKLES  
Assistant United States Attorney

5  
6 Attorneys for Defendants United States of America, and  
for Hon. Eric K. Shinseki, Secretary of Veterans Affairs

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8  
9 **ORDER**

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11 IT IS SO ORDERED.

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13 Dated: January 27, 2009

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15 MORRISON C. ENGLAND, JR.  
16 UNITED STATES DISTRICT JUDGE