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6 Attorneys for Federal Defendant Teresa McKay

7  
 8 UNITED STATES DISTRICT COURT  
 9 EASTERN DISTRICT OF CALIFORNIA

10  
 11 GARY TAYLOR,

12 Plaintiff,

13 v.

14 DEFENSE FINANCE AND ACCOUNTING  
 SERVICE (DFAS), HARRY M. WYATT III,  
 15 DAVID S. BALDWIN, SAMI D. SAID,  
 MARK GROVES, TERESA MCKAY, AND  
 16 DOES ONE THROUGH TEN,

17 Defendants.

2:12-cv-2466-WBS-DAD

**STIPULATION AND ORDER  
 CONFORMING TIMES TO  
 RESPOND TO COMPLAINT**

18  
 19 The parties, through their undersigned counsel, subject to the approval of the Court as  
 20 provided for hereon, stipulate as follows:

21 1. Process service upon DFAS under Fed. R. Civ. P. 4(i)(2) and upon the United  
 22 States under Fed. R. Civ. P. 4(i)(1) has previously been waived. See Order filed March 15, 2013,  
 23 at 2. Individual-capacity defendants Lt Gen Harry M. Wyatt II, MG David S. Baldwin, and Lt  
 24 Col Mark Groves have received process service. Individual-capacity defendant Brig Gen Sami  
 25 D. Said, who currently is on a one-year deployment in Afghanistan, has not received process  
 26 service. This stipulation is not an appearance by Brig Gen Said; his time to respond to the  
 27 complaint has not yet begun to run.

1           2.       Individual-capacity defendant Teresa McKay, Director, DFAS, received the  
2 summons and first amended complaint by certified mail on May 16, 2013. This conformed to  
3 Cal. Code Civ. Proc. § 415.40, a state law process service provision that a plaintiff may use  
4 under Fed. R. Civ. P. 4(e)(1). Under Section 415.40, process service was effective May 28,  
5 2013. Under Fed. R. Civ. P. 12(a)(3), Director McKay's response to the complaint is due July  
6 29, 2013.

7           3.       The parties previously stipulated to conform the time for response to the complaint  
8 by the United States, DFAS, and the first two individual defendants to be served, to the date for  
9 response by the third individual defendant to be served. Order filed March 15, 2013, at 2. The  
10 parties have calculated that date as June 14, 2013, based on the date of service on Lt Gen Wyatt.

11           4.       Because it is desirable to have all responses to the complaint due on the same date,  
12 the parties now stipulate, subject to the approval of the Court as provided for hereon, that the  
13 time for response to the complaint by defendants United States, DFAS, Lt Gen Harry M. Wyatt  
14 II, MG David S. Baldwin, and Lt Col Mark Groves, be EXTENDED for an initial period (for Lt  
15 Gen Wyatt) or a further period (for the United States, DFAS, MG Baldwin, and Lt Col Groves)  
16 of 45 days, until the date for Director McKay's response to the complaint, that is, July 29, 2013.

17 Dated: June 9, 2013

LAW OFFICES OF JAMES BROCK  
WALKER

/s/ JWalker (as authorized on 6/9/13)  
JAMES BROCK WALKER

21 Dated: June 7, 2013

BENJAMIN B. WAGNER  
United States Attorney

/s/ YHimel  
YOSHINORI H. T. HIMEL  
Assistant United States Attornev


**ORDER**

26           Upon the parties' stipulation, the time for response to the complaint by defendants United  
27 States, DFAS, Harry M. Wyatt II, David S. Baldwin, and Mark Groves, is EXTENDED until the  
28

1 date for defendant Teresa McKay's response to complaint, namely, July 29, 2013. The time for  
2 unserved defendant Sami D. Said to respond to the complaint has not yet begun to run.

3 It is APPROVED and SO ORDERED.

4  
5 Dated: June 17, 2013



6 WILLIAM B. SHUBB  
7 UNITED STATES DISTRICT JUDGE