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Attorneys for the Defendant and Counterclaim-Plaintiff

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DUARTE NURSERY, INC., a  
California Corporation; and  
JOHN DUARTE, an individual,  
  
Plaintiffs,

v.

UNITED STATES ARMY CORPS OF  
ENGINEERS,  
  
Defendant.

No. CIV. S-13-2095 LKK/DAD

**UNITED STATES' STATEMENT OF NON-  
OPPOSITION TO PLAINTIFFS' MOTION  
TO FILE FIRST SUPPLEMENTAL  
COMPLAINT; ORDER**

UNITED STATES OF AMERICA,  
  
Counterclaim-  
Plaintiff,

v.

DUARTE NURSERY, INC., a  
California Corporation; and  
JOHN DUARTE, an individual,  
  
Counterclaim-  
Defendants.

1 Pursuant to Civil Local Rule 230(c), the United States of  
2 America ("United States") hereby notifies the Court and  
3 Plaintiffs and Counterclaim-Defendants Duarte Nursery, Inc. and  
4 John Duarte ("Duarte") that the United States does not oppose  
5 the relief requested by Duarte's Motion to File First  
6 Supplemental Complaint. The United States, however, reserves all  
7 rights to answer or otherwise respond to any supplemental or  
8 amended complaint that the Court grants leave for Duarte to  
9 file. Such response may include a motion under Rule 12 of the  
10 Federal Rules of Civil Procedure.

11 The parties agree that the hearing scheduled for August  
12 11, 2014 is unnecessary, and further agree that it should be  
13 vacated if the Court concludes that the motion may be disposed  
14 of without a hearing.

15  
16 Respectfully submitted,

17  
18 Dated: July 24, 2014

19 s/ John Thomas H. Do  
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**ORDER**

Before the Court is Plaintiffs' Motion to File First Supplemental Complaint. Without prejudice to the United States' right to answer or otherwise respond to the First Supplemental Complaint, the unopposed motion is granted. Further, the motion hearing noticed for August 11, 2014 is vacated.

IT IS SO ORDERED.

DATED: August 6, 2014.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT