

1 Davis Hospital's ("Sutter Davis") third-party complaint for lack
2 of subject matter jurisdiction.

3 I. Factual and Procedural Background

4 E.R. was born on February 3, 2010 at Sutter Davis and
5 defendant Dr. Susan Maayah performed the cesarean section.

6 (Compl. ¶ 7.) Lara allegedly received inadequate prenatal care
7 from defendant Sutter West Women's Health. (Id. ¶ 14.) E.R.
8 ultimately suffered perinatal anoxia and brain damage as a result
9 of allegedly inadequate monitoring of his fetal heart rate during
10 labor and delivery and the failure to timely perform an emergency
11 cesarean section. (Id.) According to Sutter Davis, Lara also
12 received prenatal care from Salud Clinic, and certified nurse
13 midwives Amelia Bauermann and Tamara Johnson monitored her labor
14 and delivery. (Sutter Davis's Opp'n at 3:12-18.)

15 Lara initiated a medical malpractice action in
16 California Superior Court against Sutter Davis Hospital, Salud
17 Clinic, Sutter West Women's Health, Dr. Maayah, and Bauermann.
18 Sutter Davis then filed a cross-complaint for indemnity and/or
19 contribution against Salud Clinic, Bauermann, and Johnson. (Civ.
20 No. 2:12-2407 WBS CKD, Docket No. 14-1.) Lara then dismissed her
21 claims against Salud Clinic and Bauermann with prejudice. (Civ.
22 No. 2:12-2407 WBS CKD, Docket Nos. 14-1 at Ex. A, 51 at 2, n.1.)
23 On September 20, 2012, the United States removed the case to
24 federal court and substituted as cross-defendant in place of
25 Salud Clinic, Bauermann, and Johnson under the Federally
26 Supported Health Centers Assistance Act, 42 U.S.C. § 233(c) ("§
27 233(c)"). (Civ. No. 2:12-2407 WBS CKD, Docket Nos. 1, 2.) In
28 doing so, the United States certified under § 233(c) that Salud

1 Clinic and the midwives were "deemed employees of the Public
2 Health Service" and "were acting within the scope of such
3 employment at the time of the incident out of which this suit
4 arose." (Civ. No. 2:12-2407 WBS CKD, Docket No. 1-5.)

5 Eight months after the deadline set by this court to
6 join new parties had expired, Lara sought leave to amend her
7 complaint to add her son, E.R., as a plaintiff. Although the
8 court found that Lara did not exercise diligence in seeking
9 amendment, it nonetheless granted Lara leave to join E.R. because
10 denying her motion to amend would conflict with Rule 1 of the
11 Federal Rules of Civil Procedure and "the court's independent
12 obligation to efficiently manage its calendar." Lara v. Sutter
13 Davis Hosp., Civ. No. 2:12-2407 WBS CKD, 2014 WL 28817, at *3
14 (E.D. Cal. Jan. 2, 2014). Recognizing that defendants were
15 justified in opposing Lara's motion to amend, the court
16 conditioned Lara's joinder of E.R. on her reimbursing defendants
17 for the attorney's fees and costs incurred in opposing her motion
18 to amend. Id. at *4.

19 Instead of joining E.R. as a plaintiff in that action,
20 however, the parties entered a private settlement and agreed to
21 waive all fees and costs, including the fees and costs the court
22 imposed as a condition of granting Lara leave to amend. On
23 February 28, 2014, Lara voluntarily dismissed her claims against
24 Sutter Davis, Sutter West, and Dr. Maayah without prejudice, and
25 Sutter Davis voluntarily dismissed its claims against the United
26 States with prejudice. (Civ. No. 2:12-2407 WBS CKD, Docket No.
27 51.)

28 About two months later, plaintiff E.R. initiated a

1 medical malpractice action in California Superior Court against
2 Sutter Davis, Sutter West Women's Health, and Dr. Maayah.
3 (Docket No. 1-1.) Sutter Davis subsequently filed a third-party
4 complaint¹ for indemnity and/or contribution against Salud
5 Clinic, Bauermann, and Johnson. (Docket No. 1-2.) The United
6 States then substituted as third-party defendant in place of
7 Salud Clinic, and the midwives under the Federally Supported
8 Health Centers Assistance Act, § 233(c), and removed the case to
9 this court. (Docket No. 1.) In addition to attaching the §
10 233(c) scope of employment certification it had issued in Lara's
11 case, the United States issued a new certification under § 233(c)
12 establishing that Salud Clinic and the midwives were "deemed
13 employees of the Public Health Service" and "were acting within
14 the scope of such employment at the time of the incident out of
15 which this suit arose." (Docket No. 1-5.) The United States
16 alternatively sought removal under 28 U.S.C. § 1442(a)(1) ("§
17 1442(a)(1)"), indicating that, because of the § 233(c)
18 certification it had filed in Lara's case, the third-party
19 complaint against Salud Clinic, Bauermann, and Johnson was in
20 fact against the United States. (Notice of Removal ¶ 7 (Docket
21 No. 1).)

22
23 ¹ Although Sutter Davis labels and the parties refer to
24 its claims against Salud Clinic, Bauermann, and Johnson as
25 crossclaims, E.R. did not name Salud Clinic, Bauermann, and
26 Johnson as defendants and thus they were not coparties subject to
27 crossclaims under Rule 13(g). See Fed. R. Civ. P. 13(g) ("A
28 pleading may state as a crossclaim any claim by one party against
a coparty if the claim arises out of the transaction or
occurrence . . ."). Sutter Davis's complaint against Salud
Clinic, Bauermann, and Johnson is a third-party complaint under
Rule 14(a)(1).

1 Relying on the derivative jurisdiction doctrine, the
2 United States now moves to dismiss Sutter Davis's third-party
3 complaint pursuant to Federal Rule of Civil Procedure 12(b)(1)
4 for lack of jurisdiction. Minor plaintiff E.R. joins the United
5 States' motion.

6 II. Analysis

7 On a motion to dismiss under Rule 12(b)(1), the
8 plaintiff bears the burden of establishing a jurisdictional basis
9 for his action. Kokkonen v. Guardian Life Ins. Co. of Am., 511
10 U.S. 375, 377 (1994). Because "[f]ederal courts are courts of
11 limited jurisdiction" that "possess only that power authorized by
12 Constitution and statute," id., a court must dismiss an action
13 over which it has no jurisdiction. Fed. R. Civ. P. 12(h)(3).

14 The Federally Supported Health Centers Assistance Act
15 provides that a "public or non-profit private entity receiving
16 Federal funds" shall be "deemed to be an employee of the Public
17 Health Service" and that the exclusive remedy for personal injury
18 against that entity or its employees is a claim under the Federal
19 Tort Claims Act ("FTCA"). 42 U.S.C. § 233(a), (g)(1)(A), (g)(4).
20 Pursuant to § 233, if an entity is deemed an employee of the
21 Public Health Service and the Attorney General certifies that the
22 entity or its employee was "acting in the scope of his employment
23 at the time of the incident out of which the suit arose," the
24 action "shall be removed without bond at any time before trial by
25 the Attorney General to the district court . . . and the
26 proceeding deemed a tort action brought against the United States
27" Id. Subsection 1442(a)(1) provides for removal of any
28 action against "[t]he United States or any agency thereof or any

1 officer (or any person acting under that officer) of the United
2 States” 28 U.S.C. § 1442(a)(1).

3 “The jurisdiction of the federal court on removal is,
4 in a limited sense, a derivative jurisdiction.” Lambert Run Coal
5 Co. v. Baltimore & O.R. Co., 258 U.S. 377, 382 (1992). Under the
6 derivative jurisdiction doctrine, “[i]f the state court lacks
7 jurisdiction of the subject-matter or of the parties, the federal
8 court acquires none, although it might in a like suit originally
9 brought there have had jurisdiction.” Id. “Derivative
10 jurisdiction thus requires a federal court to dismiss for lack of
11 subject matter jurisdiction if it determines that the state
12 court, prior to removal, lacked jurisdiction.” Nye v. Hilo Med.
13 Ctr., Civ. No. 09-00220 JMS/KSC, 2010 WL 931926, at *3 (D. Haw.
14 Mar. 11, 2010).

15 Congress, however, has limited the application of the
16 derivative jurisdiction doctrine. In 1986, it “abolishe[d]” the
17 doctrine with enactment of 28 U.S.C. § 1441(e). Ethridge v.
18 Harbor House Rest., 861 F.2d 1389, 1392 n.3 (9th Cir. 1988); see
19 28 U.S.C. § 1441(e) (1986) (“The court to which such civil action
20 is removed is not precluded from hearing and determining any
21 claim in such civil action because the State court from which
22 such civil action is removed did not have jurisdiction over that
23 claim.”). While the Ninth Circuit indicated that § 1441(e)
24 “became effective with respect to all civil actions commenced in
25 state courts on or after June 19, 1986,” Ethridge, 861 F.2d at
26 1392 n.3, other circuits “disagreed about whether Congress
27 intended the abrogation of the derivative jurisdiction doctrine
28 to extend to removals under other provisions, such as 28 U.S.C. §

1 1442.” Lopez v. Sentrillon Corp., 749 F.3d 347, 350 (5th Cir.
2 2014). Sixteen years later, Congress limited the scope of its
3 statutory ban of derivative jurisdiction by replacing § 1441(e)
4 with a new § 1441(f), which provides, “The court to which a civil
5 action is removed under this section is not precluded from
6 hearing and determining any claim in such civil action because
7 the State court from which such civil action is removed did not
8 have jurisdiction over that claim.” 28 U.S.C. § 1441(f)
9 (emphasis added).

10 After Congress enacted the limiting language in §
11 1441(f), courts routinely apply the derivative jurisdiction
12 doctrine to cases removed under § 1442. See, e.g., Lopez, 749
13 F.3d at 350 (“[A]ny ambiguity about the endurance of the
14 derivative jurisdiction doctrine as applied to removals under §
15 1442 was eliminated when Congress amended § 1441 in 2002 to add
16 the words ‘removed under this section.’”); Palmer v. City Nat’l
17 Bank, of W. Va., 498 F.3d 236, 246 (4th Cir. 2007) (“Whatever the
18 intent of the 2002 amendment, its result was that § 1441(f) is
19 more clear than former § 1441(e) in abrogating derivative
20 jurisdiction only with respect to removals effectuated under §
21 1441.”); Glass v. Nat’l R.R. Passenger Corp., 570 F. Supp. 2d
22 1180, 1183 (C.D. Cal. 2008).

23 Application of the derivative jurisdiction doctrine to
24 cases removed pursuant to § 233(c) or the analogous removal
25 provision of the Westfall Act, 28 U.S.C. § 2679(d) (2) (“§
26 2679(d) (1)”) ² is more questionable. Subsection 233(c)

27 ² Because the exclusive FTCA remedy and procedure for
28 scope of employment certification and removal in § 233(c) and §
2679(d) (2) are substantively similar, the court discusses cases

1 unequivocally provides that, upon certification under that
2 section, the action "shall be removed . . . to the district court
3 . . . and the proceeding deemed a tort action brought against the
4 United States" 42 U.S.C. § 233(c). Applying the
5 derivative jurisdiction doctrine to cases removed under § 233(c)
6 "would render this provision nonsensical if all actions so
7 removed were dismissed for lack of subject matter jurisdiction."
8 Nye, 2010 WL 931926, at *5; accord Anselmo v. Mull, Civ. No.
9 2:12-1422 WBS EFB, 2012 WL 3233274, at *2 (E.D. Cal. Aug. 6,
10 2012) ("The position taken by the United States Attorney is
11 inconsistent with whole purpose and history of the Westfall Act.
12 . . . If every action removed pursuant to § 1442(a) and §
13 2697(d)(2) were subject to dismissal because it was not properly
14 brought in the state court, no case removed under the Westfall
15 Act could ever survive in federal court. That clearly was not
16 what Congress intended in passing the Act." (internal citations
17 omitted)).

18 Recognizing that "Congress anticipated that suits
19 [subject to removal under § 2679(d)(2)] initially would be
20 brought in state court," the Third Circuit has held that "federal
21 jurisdiction lies only after the Attorney General certifies that
22 the federal [employee] was acting within the scope of his
23 employment." Thompson v. Wheeler, 898 F.2d 406, 409 n.2 (3d Cir.
24 1990); accord Stokley v. United States, No. 10-CV-01383-LTB-MEH,
25 2011 WL 1043344, at *3 (D. Colo. Mar. 17, 2011). The Third
26 addressing § 2679(d)(2) in this Order. See, e.g., Nye, 2010 WL
27 931926, at *4 & n.2 (noting the similarities between the wording
28 and removal of FTCA claims in § 233(c) and § 2679(d)(2) and the
persuasiveness of a decision interpreting § 2679(d)(2) when
analyzing § 233(c)).

1 Circuit further explained that the “possibility that such
2 certification might issue does not automatically divest a state
3 court of subject matter jurisdiction.” Thompson, 898 F.2d at 409
4 n.2. In applying these principles, the Thompson court concluded
5 that the state court was not divested of jurisdiction even though
6 the defendant was treated as a federal employee under the
7 Westfall Act in a prior case by a different plaintiff based on
8 the same accident. Id. at 409 n.2.

9 Here, the United States sought removal under § 233(c)
10 and § 1442(a)(1).³ In arguing that the derivative jurisdiction
11 doctrine mandates dismissal under § 233(c) and § 1442(a)(1), the
12 government relies on the scope of employment certification issued
13 in Lara’s case. Assuming that the derivative jurisdiction
14 doctrine applies, the state court lacked jurisdiction over Sutter
15 Davis’s third-party complaint only if the § 233(c) scope of
16 employment certification issued in Lara’s case had legal
17 significance in E.R.’s subsequent case. According to the United
18 States, Barnaby v. Quintos, 410 F. Supp. 2d 142 (S.D.N.Y. 2005)

19
20 ³ The court questions, but need not resolve, the
21 propriety of removal of the instant case under § 1442(a)(1).
22 Absent an operative scope of employment certification under §
23 233(c), the United States does not suggest that removal would
24 have been possible under § 1442(a)(1). Because reliance on the §
25 233(c) scope of employment certification was necessary to seek
26 removal, it would seem that removal would be proper only under §
27 233(c). Accord Nye, 2010 WL 931926, at *3 (“[T]he actions of
28 Hilo Bay Clinic and its employees were precisely within the
removal jurisdiction of § 233. In fact, but for § 233 and Hilo
Bay Clinic’s designation as a federal entity under that law, Hilo
Bay Clinic could not have removed the action to this court.
Given that § 233 specifically applied to this action, removal
under the more general § 1442 was improper.” (citing Gozlon-
Peretz v. United States, 498 U.S. 395, 396 (1991) (noting that “a
specific [statutory] provision controls one of a more general
application”))).

1 and A.Q.C. ex rel. Castillo v. Bronx-Lebanon Hosp., Civ. No. 11-
2 2656(NRB), 2012 WL 170902 (S.D.N.Y. Jan. 20, 2012), show that the
3 § 233(c) scope of employment certification from Lara's case was
4 controlling in E.R.'s case.

5 In Barnaby, the patient plaintiff brought a medical
6 malpractice claim in state court against a physician and the
7 Mount Vernon Neighborhood Health Center (collectively, "clinic
8 defendants") and a physician, lab employee, and Universal
9 Diagnostic Laboratories, Inc. (collectively, "lab defendants").
10 The clinic defendants removed the action to federal court under §
11 1442(a)(1), § 2679(d)(2), and § 233(c). Barnaby, 410 F. Supp. 2d
12 at 142-44. The United States subsequently substituted for the
13 clinic defendants after certifying that they were federal
14 employees acting in the scope of their employment. Id. at 143.
15 The district court dismissed the claims against the United States
16 for failure to comply with the FTCA and remanded the claims
17 against the lab defendants to state court. Id.

18 Once the case was back in state court, the lab
19 defendants filed a third-party complaint against the clinic
20 defendants. Id. The clinic defendants again removed the case to
21 federal court under § 1442(a)(1), § 2679(d)(2), and § 233(c) and
22 sought dismissal based on the derivative jurisdiction doctrine.
23 Id. The Southern District of New York held that the derivative
24 jurisdiction doctrine applied and mandated dismissal of the
25 third-party complaint against the clinic defendants. Id. at 145-
26 47. The court distinguished Thompson on the ground that the
27 Attorney General had already certified that the clinic defendants
28 were acting in the scope of their employment when the clinic

1 defendants first removed the case to federal court. Id. at 147.
2 Unlike in Thompson, where the certification “was in a separate
3 lawsuit that had been settled,” the Barnaby court emphasized that
4 “the chain of the litigation [wa]s unbroken.” Id. at 147 n.9.⁴

5 In A.Q.C., a minor plaintiff brought suit in state
6 court alleging medical negligence in her mother’s prenatal care
7 and her delivery against her mother’s obstetrician, Dr. Paquita
8 Castillo, and Bronx-Lebanon Hospital Center. 2012 WL 170902, at
9 *1. After the Attorney General certified that Dr. Castillo was
10 an employee of the United States and acting within the scope of
11 her employment, Dr. Castillo removed the action to federal court
12 pursuant to § 233(c) and § 2679(d)(2). Id. The federal court
13 dismissed plaintiff’s claim against Dr. Castillo for failure to
14 timely file an administrative complaint as required by the FTCA
15 and dismissed plaintiff’s claim against Bronx-Lebanon without
16 prejudice to plaintiff refiling it in state court. Id.

17 Plaintiff filed a new action against Bronx-Lebanon in
18 state court,⁵ alleging the same claims as she had in the first
19

20 ⁴ The Barnaby court also noted that “Thompson was a case
21 where the notice of removal was not based on Section 2679(d).”
22 Id. at 146-47. Although it is true that the notice of removal in
23 Thompson relied on § 1442(a)(1), the Third Circuit questioned the
24 viability of removal under § 1442(a)(1) and amended the
25 potentially “defective allegation of jurisdiction” under 28
26 U.S.C. § 1653 in order to “treat[] the petition for removal as
27 including section 2679(d) as a basis for district court
28 jurisdiction.” Thompson, 898 F.2d. at 410. Thompson thus cannot
be distinguished as having been removed under § 1442(a)(1).

26 ⁵ The A.Q.C. court noted that the dismissal of the first
27 case and subsequent re-filing in state court did not result in a
28 “meaningful difference” from the remand of the action in Barnaby.
Id. at *5 n.3.

1 case. Id. at *2. Bronx-Lebanon then filed a third-party
2 complaint against Dr. Castillo for indemnification and
3 contribution. Id. The Attorney General again certified that Dr.
4 Castillo was a United States employee acting within the scope of
5 her employment and removed the action to federal court under §
6 1442(a)(1), § 233(c), and § 2679(d)(2). Id. The district court
7 recognized that application of the derivative jurisdiction
8 doctrine as to removal under § 233(c) and § 2679(d)(2) was
9 questionable, but held that the doctrine governed the case and
10 therefore mandated dismissal because the case was also removed
11 under § 1442(a)(1).⁶ Id. at *4-5.

12 Assuming that the Barnaby and A.C.Q. courts
13 are correct in relying on a prior employment certification to
14 determine the propriety of a subsequent removal, those cases are
15 distinguishable from the case at hand. In Barnaby and A.C.Q.,
16 the employment certifications at issue involved the same claims
17 by the same plaintiffs for the same conduct by the same federal
18 employee defendants. Here, however, the first employment
19 certification for Salud Clinic and the midwives was issued with
20 respect to the alleged malpractice claims Lara asserted. In the
21 case at hand, Lara is no longer a plaintiff and E.R. asserts his
22 own claims for alleged malpractice. The United States has not

23
24 ⁶ In determining that Dr. Castillo was an officer of the
25 United States as required for removal under § 1442(a)(1), the
26 district court appears to have relied exclusively on the Attorney
27 General's certification under § 233(c) and § 2679(d)(2) from the
28 first case. See id. at *5. As previously mentioned, the court
questions the appropriateness of assessing removal under §
1442(a)(1) when it is dependent on a certification issued under a
separate, more specific removal statute.

1 cited any authority holding that an employment certification
2 under § 233(c) issued as to conduct in one case is controlling in
3 a subsequent related case by a different plaintiff.

4 Moreover, Sutter Davis dismissed its claims against the
5 United States in Lara's case with prejudice, and the United
6 States does not suggest that the dismissal of those claims has
7 any effect on Sutter Davis's third-party claims in E.R.'s case.
8 Unlike in Barnaby and A.C.Q., Lara's litigation concluded. The
9 United States has not cited any authority establishing that the
10 legal significance of the scope of employment certification
11 issued in Lara's case survived the dismissal with prejudice of
12 the claims giving rise to the certification.

13 The procedural history of this case is more similar to
14 Thompson than Barnaby and A.C.Q. In Thompson, a Deputy United
15 States Marshal (the "deputy") was involved in a vehicle accident
16 with Daphne Wheeler when the deputy was transporting a federal
17 prisoner. Thompson, 898 F.2d at 407. Wheeler brought suit
18 against the deputy in federal court and "the action was defended
19 by the United States Attorney as it was effectively against the
20 United States" under the Westfall Act. Id. After Wheeler's case
21 concluded, the prisoner brought an action in state court against
22 Wheeler and Wheeler filed a third-party complaint against the
23 deputy. Id. The deputy removed the case to federal court, and
24 the Third Circuit treated it as removed under § 2679(d)(2). Id.
25 at 407-08, 410. Despite the deputy having been treated as a
26 federal employee in the first action by Wheeler, the Third
27 Circuit did not treat the deputy as a federal employee for the
28 purposes of the second action by the prisoner until issuance of

1 the employment certification in that action. Id. at 409 n.2.

2 The court is also not persuaded that the prior
3 certification in Lara's case somehow gained legal significance
4 because the connection between Salud Clinic's and the midwives'
5 treatment of Lara and E.R. made it highly probable that the
6 United States would issue an employment certification in E.R.'s
7 case. While it may be easy to conflate Lara's and E.R.'s claims
8 because they relate to Lara's prenatal care and the delivery of
9 E.R., it is hard to imagine how the certification in the second
10 case in Thompson was any less of a certainty than certification
11 in E.R.'s case. In Thompson, the deputy was driving the vehicle
12 carrying the prisoner (the plaintiff in the second case) at the
13 time of the accident between the deputy and Wheeler (the
14 plaintiff in the first case). Despite the inescapable factual
15 connection between the two actions, the Third Circuit recognized
16 that the employment certification in the second case was only a
17 "possibility" and concluded that the mere possibility could not
18 divest the state court of jurisdiction. Id.

19 Albeit in dicta, some cases could be read as suggesting
20 that the court should assess whether the state court had
21 jurisdiction in light of how probable it was that the Attorney
22 General would issue a scope of employment certification, A.Q.C.,
23 2012 WL 170902, at *5, or whether the plaintiff "had a reasonable
24 basis to question" whether the state court had jurisdiction,
25 Stokley, 2011 WL 1043344, at *3. Such case-by-case inquiries are
26 not grounded in the text of the removal statutes.

27 Absent a statute or binding precedent establishing that
28 an employment certification under § 233(c) is controlling for all

1 subsequent cases arising from the same or related conduct by the
2 federal employee, the court will not extend the effect of an
3 employment certification beyond the claims for which it was
4 issued. At the time Sutter Davis filed its third-party
5 complaint, Salud Clinic and the midwives had not been certified
6 under § 233(c) as employees of the Public Health Service acting
7 within the scope of such employment with respect to E.R.'s
8 claims, and the state court had jurisdiction over Sutter Davis's
9 third-party claims. Accordingly, even assuming the derivative
10 jurisdiction doctrine applies to cases removed under § 233(c) or
11 that the United States could properly remove this case under §
12 1442(a)(1), the derivative jurisdiction doctrine does not mandate
13 dismissal. The court must therefore deny the United States'
14 motion to dismiss for lack of subject matter jurisdiction.

15 With the exception of delay and added expense to the
16 parties, the court notes that this result is precisely what would
17 have occurred if Lara had added E.R. as a plaintiff in the first
18 action as she originally sought leave to do. Under the FTCA,
19 third-party complaints, crossclaims, and counterclaims are exempt
20 from the FTCA administrative exhaustion requirements. See 28
21 U.S.C. § 2675(a). If the court dismissed this action under the
22 derivative jurisdiction doctrine, Sutter Davis's only remedy
23 would be to file a direct action against the United States in
24 federal court for indemnity or contribution, which would be
25 subject to the FTCA administrative exhaustion requirements.
26 Although maintaining jurisdiction over this case may appear to
27 give Sutter Davis some advantage, Sutter Davis would have been
28 exempt from the administrative exhaustion requirements in Lara's

1 action if it had filed the same claims against Salud Clinic and
2 the midwives after Lara joined E.R. as a plaintiff.

3 IT IS THEREFORE ORDERED that the United States' motion
4 to dismiss for lack of subject matter jurisdiction be, and the
5 same hereby is, DENIED.

6 Dated: December 15, 2014

7 

8 **WILLIAM B. SHUBB**
9 **UNITED STATES DISTRICT JUDGE**

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28