

1 PHILLIP A. TALBERT  
 United States Attorney  
 2 CHI SOO KIM  
 Assistant United States Attorney  
 3 501 I Street, Suite 10-100  
 Sacramento, CA 95814  
 4 Telephone: (916) 554-2700  
 Facsimile: (916) 554-2900  
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6 Attorneys for Defendant Dr. Mark T. Esper,  
 Secretary of the United States Army

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

10 KEVIN FRANKEN

11 Plaintiff,

12 v.

13 MARK T. ESPER, SECRETARY OF THE  
 14 UNITED STATES ARMY,

15 Defendant.

CASE NO. 2:17-CV-01128 JAM-KJN

**NOTICE OF SUBSTITUTION OF DEFENDANT  
 AND ORDER**

16 NOTICE IS HEREBY GIVEN that Dr. Mark T. Esper was sworn in as the Secretary of the  
 17 United States Army on November 20, 2017, and pursuant to Fed. R. Civ. P. 26 (d) (1), Dr. Mark T.  
 18 Esper is substituted as defendant for Ryan D. McCarthy, and all further proceedings in this action “shall  
 19 be in the name of the substituted party.”  
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21 Respectfully Submitted,

22 Dated: December 5, 2017

PHILLIP A. TALBERT  
 United States Attorney

24 By: /s/ Chi Soo Kim  
 25 Chi Soo Kim  
 Assistant United States Attorney

**ORDER**

IT IS SO ORDERED.

Date: 12/5/2017

/s/ John A. Mendez  
JOHN A. MENDEZ  
United States District Court Judge

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