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5 Attorneys for Defendant Ryan D. McCarthy,  
 6 Acting Secretary Of The Department Of The Army

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

10 KEVIN FRANKEN

11 Plaintiff,

12 v.

13 RYAN D. MCCARTHY, ACTING  
 14 SECRETARY OF THE DEPARTMENT OF  
 THE ARMY,

15 Defendant.

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

**NOTICE OF SUBSTITUTION OF DEFENDANT  
 AND ORDER**

17 NOTICE IS HEREBY GIVEN that Ryan D. McCarthy has replaced Robert Speer as Acting  
 18 Secretary of the Department of the Army, pursuant to Fed. R. Civ. P. 26 (d) (1), Ryan D. McCarthy is  
 19 substituted as defendant, and all further proceedings in this action “shall be in the name of the  
 20 substituted party.”

21 Respectfully Submitted,

22 Dated: October 13, 2017

23 PHILLIP A. TALBERT  
 United States Attorney

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

**ORDER**

IT IS SO ORDERED.

Date: 10/16/2017

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

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