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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PHILLIP KIVER,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendants.

NO: 2:16-CV-0217-TOR

ORDER SUBSTITUTING THE
UNITED STATES AS DEFENDANT

BEFORE THE COURT is the United States' Notice of Substitution (ECF No. 2). This matter was submitted for consideration without oral argument. The Court has reviewed the notice and the file therein and is fully informed.

Michael C. Ormsby, United States Attorney for the Eastern District of Washington, has certified pursuant to 28 U.S.C. § 2679(d)(1) and 28 C.F.R. § 15.4, that at the time of the conduct alleged in the Complaint, Defendant, Lyudmila Kovalenko, was acting with the scope of her employment. ECF No. 2-1. As such, the United States of America will be substituted as the sole party defendant.

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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 2 1. Pursuant to 28 U.S.C. § 2679(d)(1), the United States of America is
3 substituted as the sole defendant in this action; former Defendants Lyudmila
4 Kovalenko and John Doe Kovalenko are dismissed, on the grounds that the
5 exclusive remedy for these claims is an action against the United States of
6 America.
- 7 2. The District Court Executive shall adjust the caption of this action
8 accordingly. The parties shall identify the Defendant in this matter as the
9 United States of America in all future pleadings.
- 10 3. The District Court Executive is hereby directed to enter this Order and
11 furnish copies to counsel.

12 **DATED** July 27, 2016.



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Thomas O. Rice
THOMAS O. RICE
Chief United States District Judge