

1 Donald E.J. Kilmer, Jr. (SBN: 179986)
LAW OFFICES OF DONALD KILMER, A.P.C.
2 1645 Willow Street, Suite 150
San Jose, California 95125-5120
3 Voice: (408) 264-8489
Fax: (408) 264-8487
4 Email: Don@DKLawOffice.com

5 Attorney for Plaintiffs

6
7
8 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO
9

10 RICHARD ENOS, JEFF BASTASINI,
11 LOUIE MERCADO, WALTER
GROVES, MANUEL MONTEIRO,
12 EDWARD ERIKSON and VERNON
NEWMAN,

13 Plaintiffs,

14 vs.

15
16 ERIC HOLDER, as United States
17 Attorney General, and ROBERT
MUELLER, III, as Director of the
18 Federal Bureau of Investigation,

19 Defendants.
20

CASE NO.: 2:10-CV-02911-JAM-EFB
STIPULATION AND ORDER

Date: January 25, 2012
Time: 1:30 p.m.
Place: Courtroom 6, 14th Floor
Judge: Hon. John A. Mendez

21 Pursuant to an oral stipulation of the parties made during the hearing on
22 Defendants' Motion to Dismiss (date, time and place are set forth above), the
23 parties, through undersigned counsel, hereby formalize their stipulation adding
24 parties to this action as follows:

- 25 1. In addition to the named Defendants, the UNITED STATES shall be added
26 as a party defendant to this action in all future pleadings before this Court.
27 Assistant United States Attorney Edward A. Olsen warrants that he has
28 authority from the UNITED STATES to represent the UNITED STATES and

LAW OFFICE OF DONALD KILMER, APC
1645 Willow St., Suite 150, San Jose, CA 95125
Vc: (408) 264-8489 Fx: (408) 264-8487
Don@DKLawOffice.com

1 that he has authority to have the UNITED STATES joined to the action
2 without the necessity of requiring the Plaintiffs to seek an amended
3 summons and reserve this action upon the UNITED STATES. Furthermore
4 the parties specifically stipulate that service of process on the UNITED
5 STATES would be identical to the service of process that has already been
6 achieved in this matter. Furthermore the parties stipulate that United
7 States Attorney's Office for the Eastern District of California would be the
8 designated attorney of record for the UNITED STATES. Furthermore the
9 parties stipulate that there is no prejudice to the UNITED STATES by this
10 stipulation.

11 2. This stipulation and order is being entered in this action to satisfy the
12 jurisdictional requirements of 18 U.S.C. § 925A that the UNITED STATES
13 be a named party in any action under that statute.

14 **SO STIPULATED.**

15 Date: February 1, 2012

Date: February 1, 2012

16 /s/ Donald Kilmer
Donald Kilmer for Plaintiffs

/s/ Edward Olsen
Edward Olsen for Defendants

18 ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45
19 AND LOCAL RULE VIII.B.

20 I, Donald Kilmer, declare under penalty of perjury under the laws of California
21 and the United States that I have in my possession e-mail correspondence from
22 Edward Olsen that the content of this document is acceptable to all persons
required to sign the document. I declare that this document was signed in San
Jose, CA on February 1, 2012.

23 /s/ Donald Kilmer
Donald Kilmer, for Plaintiffs

24 **SO ORDERED.**

25 Date:

26 _____
27 JOHN A. MENDEZ
28 United States District Judge