



CJM

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FILED
UNITED STATES

OCT 17 2005

DISTRICT JUDGE
ROBERT H. WHALEY

October 14, 2005

The Honorable Robert H. Whaley
United States District Judge
PO Box 1493
Spokane, WA 99201

Re: *Farrakhan v. Gregoire*, No. CV-96-076-RHW
Motion for Substitution of Public Officers

Dear Judge Whaley:

On October 14, 2005, we filed a motion on behalf of the defendants in the referenced action to substitute the current holders of public offices for their predecessors, who were previously named in the caption of this action. Specifically, we requested an order substituting Governor Gregoire for her predecessor, Governor Locke, and to substitute Secretary Clarke for his predecessor, Secretary Lehman. Although such substitutions are automatic under Rule 25(d) of the Federal Rules of Civil Procedure, an order reflecting these substitutions may be helpful in assuring a uniform practice among the parties and the clerk's office.

The act of electronically filing that motion revealed to us that the order should reflect an additional substitution. In January 2001, Secretary of State Sam Reed assumed the duties of that office, succeeding Secretary of State Ralph Munro. Perhaps because this matter was pending on appeal at that time, no substitution of Secretary Reed for Secretary Munro was ever entered.

For that reason, I suggest that Defendants' proposed order granting our Motion for Substitution of Public Officers should be modified to substitute Secretary Reed for Secretary Munro, in addition to the other officers listed. A revised proposed order accompanies this letter.

I regret that my failure to identify this additional matter prior to filing the motion complicates what should be a rather simple motion.

Sincerely,

JEFFREY T. EVEN
Deputy Solicitor General

Enclosure

cc: Carol Murphy, Deputy Solicitor General
Daniel Judge, Assistant Attorney General
Larry Weiser
Ryan P. Haygood
Dennis Cronin



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8 **UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

9 MUHAMMAD FARRAKHAN,
et. al.,

10 **Plaintiffs,**

11 v.

12 CHRISTINE O. GREGOIRE, et
13 al.,

14 **Defendants.**

NO. CV-96-076-RHW

[Proposed]

ORDER GRANTING
MOTION FOR
SUBSTITUTION OF
PUBLIC OFFICERS
(Fed. R. Civ. P. 25(d))

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16 **IT IS HEREBY ORDERED** that Defendants' Motion for Substitution
17 of Public Officers, pursuant to Federal Rule of Civil Procedure 25(d), is
18 **GRANTED.**

19 The caption of this action shall be corrected to substitute: (1) The
20 Honorable Christine O. Gregoire, Governor of the State of Washington, for her
21 predecessor in office, the Honorable Gary Locke; (2) The Honorable Sam Reed,
22 Secretary of State of the State of Washington, for his predecessor in office, the

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Honorable Ralph Munro; and (3) The Honorable Harold W. Clarke, Secretary of the Department of Corrections, for his predecessor, the Honorable Joseph Lehman.

IT IS SO ORDERED. The District Court Executive is directed to enter this order and to provide copies to counsel.

DATED this _____ day of November, 2005.

ROBERT H. WHALEY
Chief United States District Court Judge

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