

1 JEFFREY T. EVEN
CAROL A. MURPHY
2 *Deputy Solicitors General*
DANIEL J. JUDGE
3 *Assistant Attorney General*
P.O. Box 40100
4 Olympia, WA 98504-0100
(360) 586-0728
5
6
7

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

10 MUHAMMAD FARRAKHAN,
et. al.,

11 Plaintiffs,

12 v.

13 CHRISTINE O. GREGOIRE, et
al.,

14 Defendants.
15

NO. CV-96-076-RHW

MEMORANDUM IN
SUPPORT OF MOTION FOR
SUBSTITUTION OF
PUBLIC OFFICERS
(Fed. R. Civ. P. 25(d))

16 The Defendants, Christine O. Gregoire, Governor of the State of
17 Washington, Sam Reed, Secretary of State of the State of Washington, Harold
18 W. Clarke, Secretary of the Department of Corrections, and the State of
19

1 Washington, by and through the undersigned counsel, offer the following
2 memorandum in support of their motion for substitution of public officers.

3 Defendants move this Court for an order directing that the caption of this
4 action be corrected to substitute: (1) The Honorable Christine O. Gregoire,
5 Governor of the State of Washington, for her predecessor in office, the
6 Honorable Gary Locke; and (2) The Honorable Harold W. Clarke, Secretary of
7 the Department of Corrections, for his predecessor, the Honorable Joseph
8 Lehman.

9 When a public official is named as a party to an action, the federal rules
10 of civil procedure provide for the automatic substitution of his or her successor
11 in office as a party. Fed. R. Civ. P. 25(d). The rule goes on to provide that:
12 “An order of substitution may be entered at any time, but the omission to enter
13 such an order shall not affect the substitution.” *Id.*

14 On January 11, 2005, The Honorable Christine O. Gregoire took the oath
15 of office as the Governor of the State of Washington, succeeding the Honorable
16 Gary Locke in that position. In February 2005, Governor Gregoire appointed
17 Harold Clarke as Secretary of the Department of Corrections. So that all future
18 pleadings and records of the Court may be consistent in this manner,
19 Defendants respectfully request that the Court enter an order substituting
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