

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

SAMUEL K. LIPARI,)	
)	
Plaintiff,)	
)	
v.)	No. 07-0849-CV-W-FJG
)	
GENERAL ELECTRIC COMPANY, et al.,)	
)	
Defendants.)	

ORDER

Currently pending before the Court is defendant Bradley J. Schlozman's Motion to Set An Answer Date (Docs. # 44).

Plaintiff filed his Amended Complaint on December 7, 2007 and for the first time, added Schlozman as a defendant. Although Schlozman was named in his individual capacity, the allegations against Schlozman relate to his performance as an employee of the Department of Justice. In order of effectuate service against "a United States officer or employee sued in an individual capacity," a party must serve: (1) the officer or employee, (2) the local United States Attorney's office, and (3) the Attorney General. Fed.R.Civ.P. 4(i)(1)(A)(i),(3). Lipari purported to serve Schlozman on or about January 28, 2008. However, to date Lipari has not served the United States Attorney's office for the Western District of Missouri. In order to avoid delaying the proceedings, defendant Schlozman states that he will waive Rule 4(i)(1)(A)(i) in this case and requests that the Court set an answer date of sixty days from the date of this motion for him to either file an Answer or other responsive pleading.

On April 30, 2008, plaintiff filed suggestions in opposition to the intervention of U.S. Attorney General Michael Mukasey as counsel for defendant Schlozman. Plaintiff

states that defendant Schlozman is only being sued in his individual capacity and that the Complaint charges Schlozman with civil violations of 18 U.S.C. § 1961 et seq., after Schlozman left his position as U.S. Attorney for the Western District of Missouri. Plaintiff argues that the appearance of Jeffrey Ray, of the U.S. Attorney's office on behalf of Schlozman, is in actuality, an unlawful intervention by the U.S. Attorney General Michael Mukasey in this proceeding. Plaintiff claims that the U.S. Attorney lacks authority to intervene and represent a private citizen for conduct that occurred after leaving the Department of Justice.

Counsel for defendant Schlozman states that at this time the United States is not seeking to intervene under Rule 24 and the Department of Justice is merely providing Schlozman with representation in this civil matter. Counsel for Schlozman states that the federal government is authorized to provide representation to former employees when it is determined to be in the interest of the United States. 28 U.S.C. § 517. Additionally, Schlozman's counsel states that all of the acts which Schlozman is alleged to have committed occurred while he was employed with the Department of Justice.

The Court finds that the United States Attorney's office is authorized to represent defendant Schlozman. The Court hereby **GRANTS** defendant Schlozman's Motion to Set An Answer Date (Doc. # 44). The Court hereby **ORDERS** defendant Schlozman to file an Answer or other responsive pleading to plaintiff's Amended complaint on or before **June 24, 2008**.

Date: 5/14/08
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge