

Heather G. White, Esq. Lic: DC, NY hwhite@fedpractice.com

August 24, 2015

BY HAND & U.S. MAIL

The Hon. George J. Hazel United States District Court 6500 Cherrywood Lane Greenbelt, MD 20770

Re: McDonald v. Simpler, et al., Case No. 8:15-cv-01343-GJH

Dear Judge Hazel:

We write on behalf of Gary Simpler, a defendant in the above-referenced complaint and a former employee of the United States Nuclear Regulatory Commission [NRC]. Mr. Simpler has formally requested that the Department of Justice [DOJ] represent him in the instant complaint because it concerns his actions while he was a federal employee. (DOJ has not yet issued a decision regarding whether it will represent Mr. Simpler.)

Because the alleged actions for which Mr. Simpler was named in the complaint occurred during and in connection with his federal employment, he respectfully submits that pursuant to Fed. R. Civ. P. 12(a)(3) he is permitted to respond to the complaint within 60 days of receipt of the summons and complaint, rather than the 21-day deadline for non-federal defendants. Mr. Simpler received the summons and complaint on August 3, 2014 (ECF No. 13), thus his Answer or other response should be due no later than October 2, 2014. Regardless of DOJ's determination regarding representation, he will be prepared to respond on or before that date.

Thanks for your attention to this matter. Please let us know if you have any questions about this or if further information is needed.

Respectfully submitted,
____/s/
William C. Smith, Jr. (Bar No. 18201)
Heather G. White

¹ Rule 12(a)(3) states, "A United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf must serve an answer to a complaint, counterclaim, or cross claim within 60 days after service on the officer or employee or service on the United States attorney, whichever is later."

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

KARL J. MCDONALD,)
Plaintiff,)
) Civil Action No. 8:15-CV-01343-GJH
v.)
)
GARY SIMPLER, et al) ECF
Defendant.)

ENTRY OF APPEARANCE

On behalf of Defendant Gary Simpler, please enter the appearance of William C. Smith, Jr., The Federal Practice Group, as counsel for Defendant in the above-captioned case.

Respectfully submitted,
/s/
William C. Smith, Jr. (MD Bar No. 18201)
THE FEDERAL PRACTICE GROUP
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Suite 900
Washington, DC 20036
Tel: 202-862-4358

Tel: 202-862-4358 Fax: 888-899-6053

Email: wsmith@fedpractice.com

CERTIFICATE OF SERVICE

I hereby certify that the following persons were served with a copy of the foregoing **ENTRY OF APPEARANCE** on this 24th day of August 2015, by the means specified:

Karl J. McDonald, Plaintiff

BY U.S. MAIL

Andrew Pretzello, Defendant

BY U.S. MAIL

Matthew P. Phelps, Esq.
Assistant United States Attorney
For Defendant Nuclear Regulatory Commission

BY CM-ECF

____/s/_ William Smith, Jr.

The Federal Practice Group

Copy to:

Karl J. McDonald, Plaintiff

BY U.S. MAIL

Andrew Pretzello, Defendant

BY U.S. MAIL

c/o Elva Bowden Berry, Office of General Counsel,

U.S. NRC

Matthew Phelps,

Assistant U.S. Attorney

BY U.S. MAIL