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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Terrence Bressi,  
Plaintiff,  
v.  
Michael Ford, et al  
Defendants.

CERTIFICATION

I, Jennifer C. Guerin, Acting United States Attorney for the District of Arizona, acting pursuant to the provisions of 28 U.S.C. § 2679(d)(2), and by virtue of the authority vested in me by 28 C.F.R. § 15.3(a), hereby certify that I have read the First Amended Complaint in this action, C-2003 6958, Arizona Superior Court, Pima County. On the basis of the information now available with respect to the allegations therein, I find that the individual defendants Michael Ford, Eric O'Dell, George Traviolla, and Richard Saunders, to the extent they are alleged to have committed common law tort violations within the scope of the Federal Tort Claims Act, were acting within the scope of their employment as employees of the United States at the time of the conduct alleged in the First Amended Complaint.

Respectfully submitted this 18<sup>th</sup> day of May, 2004.

  
JENNIFER C. GUERIN  
Acting United States Attorney  
District of Arizona

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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Terrence Bressl,  
  
Plaintiff,  
  
v.  
  
United States of America,  
Michael Ford, Eric O'Dell, George  
Traviolia, and Richard Saunders,  
  
Defendants.

CIV 04-264 TUC-JM  
  
ORDER

The Court having been fully apprised that the Attorney General's designee has certified that the individual defendants Michael Ford, Eric O'Dell, George Traviolia, and Richard Saunders were acting within the scope of their employment at the time of the incidents giving rise to suit as to the alleged common law tort(s) only, and the Court having been duly apprised of the substitution of the United States of America pursuant to the Federal Employees Liability Reform and Tort Compensation Act of 1988, § 6, 28 U.S.C. § 2679(d)(2), it is hereby

ORDERED that pursuant to the provisions of 28 U.S.C. § 2679(b)(2) and 28 U.S.C. § 2679(d)(2), the complaint is dismissed as to the common law tort claims only with respect to defendants Michael Ford, Eric O'Dell, George Traviolia, and Richard Saunders on the ground that the exclusive remedy for such claims is an action against the United States and because the United States has been substituted for Michael Ford, Eric O'Dell, George Traviolia, and Richard Saunders

1 as the defendant on alleged common law tort claims falling within the scope of the  
2 Federal Tort Claims Act.

3 IT IS FURTHER ORDERED that the caption of this action shall be amended to  
4 reflect the substitution of the United States of America for Michael Ford, Eric O'Dell,  
5 George Traviolia, and Richard Saunders for such common law tort claims falling  
6 within the scope of the Federal Tort Claims Act.

7 DATED this \_\_\_\_ of May, 2004.

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Jacqueline Marshall  
United States Magistrate-Judge