

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FRANK WUTERICH

Plaintiff,

v.

JOHN MURTHA

Defendant.

Civil Action No. 06-1366 (RMC)

* * * * *

**PLAINTIFF'S MOTION TO VACATE OR STRIKE
DEFENDANT'S WESTFALL CERTIFICATION AND FOR DISCOVERY**

Plaintiff Frank Wuterich, by and through his undersigned counsel, respectfully submits his Motion to Vacate or Strike Defendant's Westfall Certification and for Discovery. In support of this Motion, Wuterich hereby adopts those arguments set forth in his Memorandum of Law in Support of Plaintiff's Opposition to Motion to Substitute Defendant and Dismiss for Lack of Subject Matter Jurisdiction that has been contemporaneously filed herein.

A proposed Order also accompanies this Motion.

Date: June 8, 2007

Respectfully submitted,

/s/

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