

UNITED STATES COURT OF FEDERAL CLAIMS

XP TECHNOLOGY,)	
Plaintiff,)	
)	
v.)	Case No.1:12-cv-00774-MMS
)	
THE UNITED STATES DEPARTMENT)	
OF ENERGY,)	
Defendant)	
_____)	

MOTION FOR JOINDER AND SUBSTITUTION OF PARTIES UNDER RCFC 17(a)(3)

1. On or about November 14, 2012, pro se plaintiff XP Technology filed a complaint in the above-captioned case.

2. By an Order dated November 16, 2012, XP Technology was directed to find and retain counsel.

3. Counsel filed an appearance on December 21, 2012, along with a motion for leave to file an amended complaint. This motion was granted by an Order dated January 4, 2013. Among other things, this Order allowed counsel until January 17, 2013 to file an amended complaint to give counsel time to review the matter.

4. Pursuant to the Court's Order, counsel is filing an amended, verified complaint on January 9, 2013.

5. In its investigation of this matter, counsel has determined that plaintiff XP Technology, was created to prosecute the claims of, and to secure compensation from, defendant for the injuries suffered by sister companies XP Vehicles, Inc. and Limnia, Inc. Although XP Technology might well have the capacity and authority to do these things, counsel believes that XP Vehicles, Inc. and Limnia, Inc. are properly joined as the real parties in interest and that they

should be substituted for XP Technology as plaintiffs in this matter, all pursuant to RCFC 17(a)(3).

6. XP Technology, XP Vehicles, Inc. and Limnia, Inc. all consent to the joinder and substitution requested herein.

7. Defendant does not oppose this motion.

WHEREFORE plaintiff requests that XP Vehicles, Inc. and Limnia, Inc. be joined as real parties in interest and substituted for XP Technology as the plaintiffs in this action pursuant to CFCR 17(a)(3).

Dated: January 10, 2013 Respectfully submitted,

/s/ Daniel Z. Epstein
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