

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

SGT. BRIAN T. POPE,  
*Defendant-Appellant,*  
v. No. 21-1608

CLAYTON HULBERT, AS  
PERSONAL REPRESENTATIVE  
OF THE ESTATE OF JEFFREY  
HULBERT, *et al.,*  
*Plaintiffs-Appellees.*

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**DEFENDANT-APPELLANT SGT. BRIAN T. POPE’S RESPONSE  
TO NOTICE TO RESPOND RE: SUGGESTION OF DEATH**

Defendant-Appellant Sgt. Brian T. Pope, through his attorneys, submits this response to the notice to respond regarding the suggestion of death.

1. On July 6, 2021, appellees filed a motion to substitute party. Specifically, appellees sought to substitute Clayton R. Hulbert, as Personal Representative of the Estate of Jeffrey W. Hulbert for Plaintiff-Appellee Jeff Hulbert. ECF 13.

2. On July 7, 2021, this Court granted the motion to substitute party. ECF 15.

3. In appellees' response to this Court's request, they indicated an intent "to file a motion to dismiss prior to the parties briefing the merits of this appeal." ECF 14 at 3.

4. Sgt. Pope is prepared to file a brief in accordance with this Court's original briefing schedule. If, however, appellees file a motion to dismiss before the appellant's brief is filed, then Sgt. Pope will request a 10-day extension of time so that a response to the motion to dismiss can be incorporated into the brief.

Respectfully submitted,

BRIAN E. FROSH  
Attorney General of Maryland

/s/ James N. Lewis

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Sgt. Brian T. Pope

**CERTIFICATE OF SERVICE**

I certify that on this 16th day of July 2021, a copy of the foregoing response to the notice to respond regarding the suggestion of death was filed electronically and served on counsel of record, who is a registered CM/ECF user:

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/s/ James N. Lewis

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James N. Lewis