

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

JOSEPH KIRCHNER,

*Plaintiff,*

v.

MIKE JOHNSON, et al.,

*Defendants.*

**Case No. 1:25-cv-02735-ACR**

**JOINT STIPULATION AND PROPOSED  
ORDER WAIVING FORMAL SERVICE  
AND CONFIRMING STAY FOR METR**

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Pursuant to Local Civil Rule 16.6, pro se Plaintiff Joseph Kirchner and Defendant Model Evaluation and Threat Research, Inc. ("METR"), by and through undersigned counsel, hereby stipulate as follows:

**WHEREAS**, on February 19, 2026, the Clerk issued a summons directed to METR (ECF No. 22);

**WHEREAS**, Plaintiff effectuated service upon METR by certified mail, return receipt requested, addressed to METR's registered agent, Tovella Dowling, PC, at 501 W. Broadway, Suite 1540, San Diego, California 92101, and filed a Return of Service on March 17, 2026 (ECF No. 31) reflecting service on March 2, 2026;

**WHEREAS**, METR contends that service by certified mail may not satisfy the requirements of Federal Rule of Civil Procedure 4(h);

**WHEREAS**, METR, through its registered agent and counsel, has received and reviewed Plaintiff's Second Amended Complaint (ECF No. 13) and has actual notice of this action;

**WHEREAS**, on March 27, 2026, the Court entered a Minute Order staying all Defendants' deadlines to answer or otherwise respond to the Second Amended Complaint pending Plaintiff's filing of a Third Amended Complaint on or before April 29, 2026, and

directing the parties to contact the Courtroom Deputy to schedule a status hearing before any responsive pleadings are due;

**WHEREAS**, on April 3, 2026, METR's counsel Mary Dowling first contacted Plaintiff by telephone regarding the summons received by certified mail;

**WHEREAS**, on April 6, 2026, Plaintiff returned counsel's call, and the parties discussed the service issue and agreed in principle to resolve it by stipulation;

**WHEREAS**, on April 13, 2026, the parties confirmed their agreement and Plaintiff offered to prepare this stipulation for review;

**WHEREAS**, METR is willing to waive any objection to the sufficiency of service, and such waiver shall not constitute a waiver of any other defense, including objections to personal jurisdiction or venue, consistent with Federal Rule of Civil Procedure 4(d)(5);

**WHEREAS**, METR is in the process of retaining counsel admitted to practice before this Court;

**WHEREAS**, there is good cause for this stipulation, as it will avoid unnecessary motion practice regarding service and is consistent with the Court's March 27, 2026 Minute Order;

**THE PARTIES HEREBY STIPULATE AND REQUEST THAT** the Court enter an order stating that:

1. METR waives any defect in the method of service of the Second Amended Complaint (ECF No. 13) and the corresponding summons (ECF No. 22); and
2. METR's waiver of service does not constitute a waiver of any defense to the claims asserted, including but not limited to objections to personal jurisdiction, venue, or the sufficiency of the complaint, consistent with Federal Rule of Civil Procedure 4(d)(5); and

3. Consistent with the Court's March 27, 2026 Minute Order, METR's deadline to answer or otherwise respond to the Second Amended Complaint is stayed pending the filing of Plaintiff's anticipated Third Amended Complaint, and METR's response deadline shall be set in accordance with the status hearing directed by the Court.

Dated: \_\_\_\_\_, 2026

Respectfully submitted,

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Tovella Dowling, PC  
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Phone: (619) 930-9332  
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*Counsel for Defendant  
Model Evaluation and Threat Research, Inc.*

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*Pro Se Plaintiff*

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**[PROPOSED] ORDER**

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Pursuant to the stipulation between Plaintiff and Defendant Model Evaluation and Threat Research, Inc. ("METR"), and there being good cause, the Court **ORDERS**:

1. METR's waiver of any defect in the method of service of the Second Amended Complaint (ECF No. 13) and the corresponding summons (ECF No. 22) is accepted; and
2. METR's waiver of service does not constitute a waiver of any defense to the claims asserted, including but not limited to objections to personal jurisdiction, venue, or the sufficiency of the complaint, consistent with Federal Rule of Civil Procedure 4(d)(5); and
3. Consistent with this Court's March 27, 2026 Minute Order, METR's deadline to answer or otherwise respond to the Second Amended Complaint is stayed pending the filing of Plaintiff's anticipated Third Amended Complaint, and METR's response deadline shall be set at the status hearing previously ordered by this Court.

Dated: \_\_\_\_\_, 2026

SO ORDERED.

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HONORABLE ANA C. REYES  
UNITED STATES DISTRICT JUDGE