

1 LAWRENCE G. BROWN
 Acting United States Attorney
 2 KELLI L. TAYLOR
 Assistant United States Attorney
 3 501 I Street, Suite 10-100
 Sacramento, California 95814-2322
 4 Telephone: (916) 554-2741

5 Attorneys for Secretary of Department of
 Health and Human Services

7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 CARES, INC. aka CONSUMER)
 10 ADVOCATES RIGHTS ENFORCEMENT)
 SOCIETY, a California not for profit)
 11 public benefit consumer advocacy)
 Corporation, PAMELA WALL,)
 12 individually and on behalf of all those)
 similarly situated,)

Case No. 2:05-CV-02553-FCD-GGH

STIPULATION TO EXTEND BRIEFING
 SCHEDULE ON MOTION FOR
 SUMMARY JUDGMENT

13 Plaintiff,

Complaint Filed: December 15, 2006
 Trial Date: None Set

14 v.

15 MICHAEL O. LEAVITT, Secretary of)
 16 the Department of Health and Human)
 Services,)

17 Defendant.)
 18

19 The parties, by and through their counsel of record, HEREBY STIPULATE to a thirteen day
 20 extension of the deadline, set forth in this court’s January 12, 2009 order (court docket #210), for
 21 Defendant to file its motion for summary judgement on Plaintiff’s remaining causes of action.
 22 Pursuant to this stipulation, Defendant’s Motion shall now be filed on February 24, 2009 instead of
 23 February 11, 2009. Plaintiff’s opposition shall be due thirty days later; and Defendant’s reply due
 24 fifteen days thereafter.

25 This stipulation is necessitated by pre-existing scheduling conflicts for both counsel.
 26 Defendant’s counsel received a motion for summary judgment in another federal action on January 9,
 27 2009 and must file a cross motion for summary judgment and opposition on February 6, 2009, case #
 28 2:08-CV-00645-WBS-CMK. Defense counsel also has a pre-arranged trip on January 31-February

1 2, 2009 and other work commitments that were previously scheduled and cannot readily be
2 rearranged. Plaintiff's counsel also has a dispositive motion and opposition due during this same
3 time frame, which are scheduled for hearing on February 24, 2009. Plaintiff therefore does not wish
4 to receive the summary judgment motion in this case before that date. There is currently no trial date
5 in this case nor other court deadlines that will be impacted by this brief thirteen day extension.

6 Accordingly, the parties hereby STIPULATE to a thirteen day extension of the deadline for
7 Defendant to file its summary judgment motion on Plaintiff's remaining claims, which motion shall
8 now be filed on February 24, 2009.

9 IT IS SO STIPULATED

10 Dated: January 26, 2009

LAWRENCE G. BROWN
Acting United States Attorney

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12 By: /s/ Kelli L. Taylor
13 KELLI L. TAYLOR
14 Assistant U.S. Attorney
Attorneys for Defendant
United States of America

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16 Dated: January 26, 2009

/s/ Martha Bronson
17 MARTHA BRONSON
18 Attorneys for Plaintiff

19 **ORDER**

20 Pursuant to the parties stipulation, and for good cause shown, the court hereby GRANTS the
21 request for a thirteen day continuance of the deadline for Defendant to file its Motion for Summary
22 Judgment on Plaintiffs' remaining claims as specified in this courts January 12, 2009 order (Court
23 Docket #210). Defendant's brief is now due on February 24, 2009 and all other briefing deadlines
24 and schedules specified in the prior order remain unchanged.

25 IT IS SO ORDERED.

26 Dated: January 28, 2009

/s/ Gregory G. Hollows
27 Honorable Gregory Hollows
United States Magistrate Judge

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