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7 *Attorneys for Plaintiffs*

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 JAMES W. FORSYTHE, M.D.,)
 EARLENE FORSYTHE,)
 11)
 Plaintiffs,)

Case No. C 08-05160 ~~EMC~~ MMC

12 v.)

13 MICHAEL MUKASEY, in his official)
 capacity as ATTORNEY GENERAL,)
 14 UNITED STATES DEPARTMENT OF)
 JUSTICE; MICHAEL LEAVITT, in his)
 15 official capacity as SECRETARY OF THE)
 DEPARTMENT OF HEALTH AND)
 16 HUMAN SERVICES, ANDREW C. VON)
 17 ESCHENBACH, M.D., in his official)
 capacity as the ACTING COMMISSIONER)
 18 OF THE UNITED STATES FOOD AND)
 DRUG ADMINISTRATION, MARK)
 19 GUNDERSON, M.D., an individual,)
 ROBERT PERLSTEIN, M.D., an individual)
 20 JOHN ZELINSKY, an individual,)
 and DOES 1-10)
 21)
 Defendants.)

STIPULATION AND ORDER
 TO EXTEND TIME TO FILE
 OPPOSITION TO DEFENDANT’S
 MOTION TO DISMISS
 (FIRST REQUEST)

23 IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN Plaintiffs, James
 24 W. Forsythe, M.D., Earlene Forsythe, through their attorney of record, Marie Mirch, and
 25 Defendant, Mark Gunderson, M.D., through his attorneys, Hager and Hearne, Treva Hearne ,
 26 that the deadline for Plaintiffs to file their opposition to Defendant’s Motion to Dismiss is
 27 hereby extended to and including, Friday, January 9, 2009.

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1 The Opposition is currently due on January 5, 2009. This is Plaintiff's first request for
2 an extension of time, and is made in order to accommodate counsel's schedule and is not made
3 for the purpose of any undue delay.

4 DATED: January 5, 2009.

7 BY: /s/ Marie C. Mirch
8 Marie C. Mirch
9 MIRCH LAW OFFICE
10 1133 Columbia St #106
11 San Diego, CA 92101
12 Counsel for Plaintiff

13 DATED: January 6, 2009.

14 BY: /s/ Treva Hearne
15 Treva J. Hearne
16 Hager & Hearne
17 245 E. Liberty Street, Suite 110
18 Reno, Nv 89501
19 Counsel for Defendant,
20 Mark Gunderson, M.D.

21 **ORDER**

22 IT IS SO ORDERED.

23 DATED : January 6, 2009.

24 
25 UNITED STATES MAGISTRATE JUDGE
26 DISTRICT
27
28