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7 Attorneys for Defendants

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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 JAMES FORSYTHE, M.D.)
 EARLENE FORSYTHE,)
 13)
 Plaintiff,)
 14)
 v.)
 15)
 ERIC HOLDER, in his official capacity as)
 16 ATTORNEY GENERAL, UNITED)
 STATES DEPARTMENT OF JUSTICE;)
 17 KATHLEEN SEBELIUS, in her official)
 capacity as SECRETARY OF THE)
 18 DEPARTMENT OF HEALTH AND)
 HUMAN SERVICES, MARGARET A.)
 19 HAMBURG, M.D. in her official capacity)
 as the COMMISSIONER OF THE UNITED)
 20 STATES FOOD AND DRUG)
 ADMINISTRATION, MARK)
 21 GUNDERSON, M.D., an individual,)
 ROBERT PERLSTEIN, M.D., an)
 22 individual, JOHN ZELINSKY, an)
 individual, and DOES 1-10,)
 23)
 Defendants.)
 24)

No. C-08-5160 MMC
 ORDER APPROVING
 STIPULATION ~~AND [PROPOSED]~~
~~ORDER~~ TO ENLARGE TIME FOR
 FEDERAL DEFENDANTS TO RESPOND
 TO SECOND AMENDED COMPLAINT
 PURSUANT TO LOCAL RULE 6-2

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STIPULATION AND [PROPOSED] ORDER TO ENLARGE TIME PURSUANT TO L.R. 6-2
 C-08-5160 MMC

1 The plaintiffs James W. Forsythe, M.D. and Earlene Forsythe, (collectively “Plaintiffs”)
2 and the federal defendants, Eric Holder, in his official capacity, Attorney General of the United
3 States ("DOJ"); Kathleen Sebelius in her official capacity, Secretary of the United States
4 Department of Health and Human Services ("DHHS"), Margaret A. Hamburg, M.D.,
5 Commissioner of the United States Food and Drug Administration ("FDA"), in her official
6 capacity; former FDA Special Agent John Zelinsky (Agent Zelinsky) in his individual capacity
7 and Robert Perlstein, M.D. ("Dr. Perlstein") in his individual capacity (collectively “Federal
8 Defendants”), by and through their counsel stipulate to the following:

9 WHEREAS, the Plaintiffs filed their Second Amended Complaint (“SAC”) in the above-
10 captioned action on September 15, 2009;

11 WHEREAS, per court order, the Federal Defendants are currently required to file a
12 responsive pleading and or answer by October 5, 2009;

13 WHEREAS, the SAC contains two-hundred and seventy four paragraphs of factual
14 allegations not including subparagraphs and thirteen claims for relief and requires the assistance
15 of agency counsel for the Federal Defendants to formulate a response;

16 WHEREAS, the undersigned Assistant United States Attorney was informed on
17 September 17, 2009 that agency counsel for the Federal Defendants will be on military leave
18 until September 23, 2009 and will also be out of the office on September 28, 2009 in observance
19 of Yom Kippur;

20 WHEREAS, the undersigned Assistant United States Attorney will be out of the country
21 on October 2 through October 5, 2009;

22 ACCORDINGLY, the Plaintiff and Federal Defendants (collectively “the parties”) agree
23 and stipulate as follows:

24 The parties hereby stipulate and agree that the Federal Defendants will have until October
25 13, 2009 to file a responsive pleading to the Second Amended Complaint and respectfully

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1 request that the Court enter an Order stating the same.

2 So Stipulated.

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4 DATED: September 18, 2009

Respectfully submitted,

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JOSEPH P. RUSSONIELLO
United States Attorney

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/s/ Melissa Brown

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MELISSA K. BROWN
Assistant United States Attorney

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DATED: September 18, 2009

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MARIE C. MIRCH
Mirch Law Office

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/s/ Marie Mirch

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MARIE MIRCH
Attorney for the Plaintiffs

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~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, the Federal Defendants will have until October 13, 2009 to file a responsive pleading to the Second Amended Complaint.

IT IS SO ORDERED

Dated: September 21, 2009


HON. MAXINE M. CHESNEY
United States District Court Judge