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 8 Attorney for Defendant, Mark Gunderson, M.D.

8 IN THE UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 \* \* \* \* \*

11 JAMES W. FORSYTHE, M.D., Case No.: C 08 5160

12 Plaintiffs,

13 v.

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

ORDER

Defendants.

STIPULATION AND PROPOSED ORDER TO CONTINUE  
 CASE MANAGEMENT CONFERENCE AND TO CONTINUE  
 TIME TO RESPOND TO SECOND AMENDED COMPLAINT

26 COMES NOW, Treva J. Hearne, Esq., counsel for Defendant, MARK  
 27 GUNDERSON, and hereby requests that the hearing on the Case Management  
 28 Conference currently set for November 13, 2009, at 10:30 a.m., be continued

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1 to January 29, 2010, at 10:30 a.m. Ms. Hearne requests such continuance as  
2 she will be in trial in Sacramento, California from November 3, 2009 to  
3 November 20, 2009. Ms. Hearne will also be in trial in Sacramento, California  
4 from December 7, 2009 to December 11, 2009; and trial in Placerville, California  
5 the week of January 18, 2010.

6 Ms. Hearne also requests an extension of time to respond to Plaintiffs'  
7 Second Amended Complaint to the same date as the Federal Defendants, that  
8 being October 13, 2009.

9 DATED this 28<sup>th</sup> day of September, 2009.

10 LAW OFFICES OF HAGER & HEARNE

11 BY: /s/ Treva J. Hearne  
12 TREVA J. HEARNE, ESQ.  
13 SBN: 4450  
14 245 E. Liberty St., Ste. 110  
15 Reno, NV 89501  
16 Tele: (775) 329-5800  
17 Attorneys for Defendant,  
18 Mark Gunderson, M.D.

19 DATED this 28<sup>th</sup> day of September, 2009.

20 MIRCH LAW OFFICE

21 BY: /s/ Marie Mirch  
22 444 W C Street, Ste. 320  
23 San Diego, CA 92101  
24 Attorneys for Plaintiff,  
25 James Forsythe, M.D.

26 DATED this 28<sup>th</sup> day of September, 2009.

27 JOSEPH P. RUSSONIELLO  
28 United States Attorney

BY: /s/ Melissa Brown  
Melissa K. Brown  
450 Golden Gate Ave., Box 36055  
San Francisco, CA 94102-3495  
Assistant United States Attorney for  
Federal Defendants

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ORDER

IT IS SO ORDERED.

DATED this 30th day of September, 2009

  
UNITED STATES DISTRICT JUDGE