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7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 SAN FRANCISCO DIVISION

10 JANE DOE )

11 Plaintiff, )

12 vs. )

13 MARGARET A. HAMBURG, M.D., )  
14 in her official capacity as Commissioner, )  
15 U.S. Food and Drug Administration )

16 and )

17 KATHLEEN SEBELIUS, )  
18 in her official capacity as Secretary, )  
19 U.S. Dep't of Health and Human Services, )

20 Defendants. )  
21 )  
22 )

Case Number: C 12-03412 (EMC)

**[PROPOSED] ORDER REGARDING  
STIPULATED REQUEST FOR ORDER  
GRANTING LEAVE, VACATING THE  
HEARING ON DEFENDANTS' MOTION  
TO DISMISS COMPLAINT, AND  
CHANGING TIME**

23 Pursuant to Civil Local Rule 6-2, plaintiff Jane Doe and defendants Margaret A.  
24 Hamburg, M.D., Commissioner of Food and Drugs, and Kathleen Sebelius, Secretary of Health  
25 and Human Services (collectively "Defendants") have filed a Stipulated Request for Order  
26 Granting Leave, Vacating the Hearing on Defendants' Motion to Dismiss Complaint, and  
27 Changing Time.

28 For good cause shown therein, it is hereby ORDERED that:

1. The parties' Stipulated Request is GRANTED;
2. Defendants are GRANTED leave to withdraw their pending Motion to Dismiss Complaint ("Motion");
3. The hearing on Defendants' Motion, which is currently set for December 21, 2012 is VACATED;
4. Plaintiff is GRANTED leave to file an Amended Complaint, no later than January 11, 2013;
5. Defendants are GRANTED leave to file any responsive pleadings to the Amended Complaint authorized by the Federal Rules of Civil Procedure, no later than February 25, 2013; and
6. The Case Management Conference currently scheduled for January 31, 2013 is CONTINUED, and ~~will be rescheduled to a later date.~~ to February 28, 2013 at 9:00 a.m. A joint CMC statement shall be filed by February 21, 2013.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 12/17  
\_\_\_\_\_, 2012

