

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JANE DOE)
Plaintiff,) Case Number: C 12-03412 (EMC)
vs.)
MARGARET A. HAMBURG, M.D.,)
in her official capacity as Commissioner,)
U.S. Food and Drug Administration)
and)
KATHLEEN SEBELIUS,)
in her official capacity as Secretary,)
U.S. Dep’t of Health and Human Services,)
Defendants.)

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

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

For good cause shown therein, it is hereby ORDERED that

1 1. The parties' Stipulated Request is GRANTED;

2 2. Defendants are GRANTED leave to withdraw their pending Motion to Dismiss

3 Complaint ("Motion");

4 3. The hearing on Defendants' Motion, which is currently set for December 21, 2012

5 is VACATED;

6 4. Plaintiff is GRANTED leave to file an Amended Complaint, no later than January

7 11, 2013;

8 5. Defendants are GRANTED leave to file any responsive pleadings to the Amended

9 Complaint authorized by the Federal Rules of Civil Procedure, no later than

10 February 25, 2013; and

11 6. The Case Management Conference currently scheduled for January 31, 2013 is

12 CONTINUED, and will be rescheduled to a later date. — to February 28, 2013 at

13 9:00 a.m. A joint CMC statement shall be filed by February 21, 2013.

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

15 12/17

16 Dated: _____, 2012

