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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAXTER HEALTHCARE CORPORATION, et al.,

Plaintiffs,

No. C 07-1359 PJH

v.

ORDER

FRESENIUS MEDICAL CARE HOLDINGS, INC., d/b/a FRESENIUS MEDICAL CARE NORTH AMERICA, et al.,

Defendants.

_____ /

Before the court is a request by counsel for defendants Fresenius Medical Care Holdings, Inc., et al. ("Fresenius") to continue the hearing on the parties' cross-motions for summary judgment, previously noticed for hearing on September 2, 2009. Fresenius makes the request on the basis that its lead counsel is recovering from major surgery, and is unable to attend the hearing on the scheduled date.

Unfortunately, the court's heavy calendar over the next four months – which has resulted in part from the court's unavailability from September 25 through October 14, 2009 – will not permit the re-scheduling of the cross-motions. The court is not unsympathetic, but is hopeful that one of the other numerous attorneys appearing for Fresenius in this action can provide an adequate substitute for lead counsel at the hearing.

IT IS SO ORDERED.

Dated: August 26, 2009



PHYLLIS J. HAMILTON
United States District Judge

United States District Court
For the Northern District of California