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7 Attorneys for Defendant  
 8 Secretary of U. S. Dept. of  
 Health and Human Services

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

13 MICHAEL A. DESANTIS, an individual;  
 and RICHARD J. DESANTIS, an  
 14 individual

15 Plaintiffs,

16 v.

17 SECRETARY OF THE U.S.  
 DEPARTMENT OF HEALTH AND  
 18 HUMAN SERVICES

19 Defendant.

Case No. C 07-03564 RMW (HRL)

20 **STIPULATION AND []**  
**ORDER EXTENDING STAY AND**  
**CONTINUING DEADLINES RE**  
**MOTION TO DISMISS**

21 For the reasons described below, the parties to this action HEREBY STIPULATE AND  
 22 REQUEST that the current stay of this case be extended to August 28, 2009.

23 On June 11, 2008, after the stipulated request of the parties, this Court stayed this case  
 24 for six months and extended the deadline for plaintiffs' opposition to defendant's motion to  
 25 dismiss to December 5, 2008. Later, plaintiff Michael DeSantis informed defendant's counsel  
 26 that plaintiffs had to go to Webster, New York to deal with a family emergency, and that he had  
 27 a medical condition that caused him to go on temporary disability. Accordingly, plaintiffs  
 28 requested and the Court granted a continuance of the stay through February 27, 2009.

1 Plaintiff Michael DeSantis has recently informed defendant's counsel that he remains on  
2 medical leave. He requests a further continuance of the stay through August 28, 2009.  
3 Defendant does not object.

4 Therefore, the parties STIPULATE AND REQUEST that the stay be continued to  
5 August 28, 2009. The parties further request that the deadline for plaintiffs' opposition to  
6 defendant's motion to dismiss be extended to September 4, 2009, and that the deadline for  
7 defendant's reply memorandum be extended to September 11, 2009. As with the previous order  
8 in this case, if either parties wishes to have a hearing on the motion, they shall make a request to  
9 the Court. Otherwise the motion to dismiss will be deemed submitted on the papers.

10 Respectfully submitted,

11 DATED: February 26, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/ Claire T. Cormier

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CLAIRE T. CORMIER  
Assistant United States Attorney

DATED: February 25, 2009

/s/ Michael A. DeSantis

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MICHAEL A. DESANTIS, Plaintiff

DATED: February 25, 2009

/s/ Richard J. DeSantis

\_\_\_\_\_  
RICHARD J. DESANTIS, Plaintiff

**|| ORDER**

Pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY  
ORDERED that this case shall remain stayed until August 28, 2009. Plaintiffs' opposition to  
defendant's motion to dismiss shall be due on or before September 4, 2009, and defendant's  
optional reply shall be due on or before September 11, 2009. If either party wishes to have a  
hearing on the motion, they shall make a request to the Court. Otherwise, the motion will be  
deemed submitted on the papers.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2009

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RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE

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Plaintiff Michael DeSantis has recently informed defendant's counsel that he remains on medical leave. He requests a further continuance of the stay through August 28, 2009. Defendant does not object.

Therefore, the parties STIPULATE AND REQUEST that the stay be continued to August 28, 2009. The parties further request that the deadline for plaintiffs' opposition to defendant's motion to dismiss be extended to September 4, 2009, and that the deadline for defendant's reply memorandum be extended to September 11, 2009. As with the previous order in this case, if either parties wishes to have a hearing on the motion, they shall make a request to the Court. Otherwise the motion to dismiss will be deemed submitted on the papers.

Respectfully submitted,

DATED: February \_\_, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

\_\_\_\_\_  
CLAIRE T. CORMIER  
Assistant United States Attorney

DATED: February 25, 2009

*Michael A. DeSantis*  
\_\_\_\_\_  
MICHAEL A. DESANTIS, Plaintiff

DATED: February 25, 2009

*Richard J. DeSantis*  
\_\_\_\_\_  
RICHARD J. DESANTIS, Plaintiff

XXXXXXXXXXXXXXXXX ORDER

Pursuant to the stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that this case shall remain stayed until August 28, 2009. Plaintiffs' opposition to defendant's motion to dismiss shall be due on or before September 4, 2009, and defendant's optional reply shall be due on or before September 11, 2009. If either party wishes to have a hearing on the motion, they shall make a request to the Court. Otherwise, the motion will be deemed submitted on the papers.

IT IS SO ORDERED.

DATED: 3/6, 2009

*Ronald M. Whyte*  
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RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE