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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)

**ORDER DENYING WITHOUT  
 PREJUDICE THE STIPULATION AND  
 ORDER EXTENDING STAY AND  
 CONTINUING DEADLINES RE  
 MOTION TO DISMISS**

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 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 March 1, 2010.

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, due to family emergencies and medical issues, plaintiffs  
 26 requested and the Court granted two further continuances. The stay is currently scheduled to  
 27 expire on August 28, 2009.  
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1 Plaintiff Michael DeSantis has recently requested a further continuance of the stay  
2 through March 1, 2010, due in part to recent employment issues. Defendant does not object.

3 Therefore, the parties STIPULATE AND REQUEST that the stay be continued to March  
4 1, 2010. The parties further request that the deadline for plaintiffs' opposition to defendant's  
5 motion to dismiss be extended to March 8, 2010, and that the deadline for defendant's reply  
6 memorandum be extended to March 15, 2010. As with the previous order in this case, if either  
7 parties wishes to have a hearing on the motion, they shall make a request to the Court.

8 Otherwise the motion to dismiss will be deemed submitted on the papers.

9 Respectfully submitted,

10 DATED: July 20, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

11 /s/ Claire T. Cormier

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13 CLAIRE T. CORMIER<sup>1/</sup>  
Assistant United States Attorney

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16 DATED: July 19, 2009

/s/ Michael A. DeSantis

17 \_\_\_\_\_  
MICHAEL A. DESANTIS, Plaintiff

18  
19 DATED: July 19, 2009

/s/ Richard J. DeSantis

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

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27 \_\_\_\_\_  
28 <sup>1/</sup> I, Claire T. Cormier, hereby attest that I have on file all holograph signatures for any  
signatures indicated by a "conformed" signature (/s/) within this e-filed document.

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**|| ORDER**

Absent a showing as to why this matter should be stayed further as opposed to dismissed without prejudice, the requested stay is denied without prejudice. If the parties wish a further stay, a detailed declaration showing good cause must be filed.

Date: 8/12/09

