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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)

Case No. C 07-03564 RMW (HRL)

15 Plaintiffs,)

DECLARATION OF MICHAEL A. DESANTIS IN SUPPORT OF REQUEST FOR EXTENSION OF STAY; ORDER

16 v.)

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

19 Defendant.)
 20

21 I, Michael A. DeSantis, declare as follows:

22 1. I am one of the plaintiffs in this action. This declaration is made in support of the
 23 previously filed **STIPULATION AND [PROPOSED] ORDER EXTENDING STAY AND**
 24 **CONTINUING DEADLINES RE MOTION TO DISMISS.**

25 2. The matters stated in this declaration are true of my own knowledge and, if
 26 necessary, I could and would competently testify to them.

27 3. In response to the above-referenced stipulation, the Court denied the requested
 28 extension without prejudice and indicated that a detailed declaration showing good cause should

1 be filed if the parties wished a further stay.

2 4. I was on a Medical Leave from work from approximately September 10, 2008 until
3 March 16, 2009. Although, I was not fully recovered at the time I returned to work, I returned to
4 work because I had reached the maximum time allowed for leave to continue being paid my
5 full salary. Upon return, I was informed I would be laid off on May 29, 2009. I have been
6 focused on trying to find a new job, and I still remain under a Doctor's care today; hence, the
7 request to stay the proceedings.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed on August 14, 2009, at San Jose, California.

10 /s/ Michael A. DeSantis

11 _____
12 Michael A. DeSantis

13
14
15 **¶ ORDER**

16 Pursuant to the previous stipulation of the parties and the further Declaration of Michael
17 A. DeSantis, and good cause appearing, IT IS HEREBY ORDERED that this case shall remain
18 stayed until March 1, 2010. Plaintiffs' opposition to defendant's motion to dismiss shall be due
19 on or before March 8, 2010, and defendant's optional reply shall be due on or before March 15,
20 2010. If either party wishes to have a hearing on the motion, they shall make a request to the
21 Court. Otherwise, the motion will be deemed submitted on the papers.

22 IT IS SO ORDERED.

23
24 DATED: 8/28/2009

Ronald M Whyte

25 _____
26 RONALD M. WHYTE
27 UNITED STATES DISTRICT COURT JUDGE
28