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MICHAEL A. DESANTIS and  
5 RICHARD J. DESANTIS

**\*E-FILED - 4/15/10\***

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 MICHAEL A. DESANTIS, an individual; )  
and RICHARD J. DESANTIS, an )  
13 individual, )  
14 Plaintiffs )  
15 v. )  
16 SECRETARY OF THE U.S. )  
DEPARTMENT OF HEALTH AND )  
17 HUMAN SERVICES, )  
18 Defendants. )  
19 \_\_\_\_\_ )

Case No. C 07-03564 RMW (HRL)  
  
STIPULATION AND [ ]  
ORDER RE FILING AMENDED  
COMPLAINT

20 IT IS HEREBY STIPULATED by and between the parties, through their respective  
21 counsel of record, that Plaintiffs Michael A. DeSantis and Richard J. DeSantis be allowed to file  
22 a First Amended Complaint (“FAC”) in the above-captioned matter. The FAC shall be filed  
23 within thirty (30) days or no later than April 19, 2010. Defendant shall have thirty (30) days to  
24 answer, move or otherwise respond to the FAC.

25 IT IS FURTHER STIPULATED that Defendant Secretary of the U.S. Department of  
26 Health and Human Services, pending Motion to Dismiss shall be taken off calendar, without  
27 prejudice.

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Dated: \_\_\_\_\_

HOGAN HOLMES & USOZ LLP

s/  
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LESLIE HOLMES

Attorneys for Plaintiffs  
MICHAEL A. DESANTIS and RICHARD  
J. DESANTIS

Dated: \_\_\_\_\_

JOSEPH P. RUSSONIELLO  
United States Attorney

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

**ORDER**

Pursuant to the terms of the stipulation and good cause appearing therefore, Plaintiffs Michael A. DeSantis and Ricard J. DeSantis shall file a First Amended Complaint no later than April 19, 2010 and the pending Motion to Dismiss filed by Defendant Secretary of the U.S. Department of Health and Human Services shall be taken off calendar, without prejudice.

IT IS SO ORDERED.

Dated: 4/15/10



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RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE