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**\*E-FILED - 10/13/10\***

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

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

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

Plaintiffs,

v.

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

Defendant.

Case No. C 07-03564 RMW (HRL)

**STIPULATION AND [XXXXXXXXXX]  
 ORDER WITHDRAWING MOTION  
 AND SETTING BRIEFING SCHEDULE**

Defendant filed the administrative record in this action in April of 2008. Since that time, there has been additional administrative activity relating to this case. Plaintiffs' recent motion for summary judgment was filed without the benefit of the additional administrative record.

Accordingly, the parties to this action, through their counsel of record, HEREBY STIPULATE AND REQUEST as follows.

Defendant will file the supplemental administrative record by October 12, 2010.

Plaintiffs withdraw their previously filed motion for summary judgment.

Plaintiffs will file a motion for summary judgment no later than November 15, 2010.

1 Defendant will file an opposition and/or cross motion no later than December 20, 2010.

2 Plaintiff will file a reply/opposition to cross-motion no later than January 10, 2011.

3 If defendant filed a cross-motion, defendant may file an optional reply no later than  
4 January 31, 2011.

5 The motion(s) will be deemed submitted on the papers. There will be no hearing unless  
6 the Court orders otherwise.

7 Respectfully submitted,

8 DATED: October 5, 2010

MELINDA HAAG  
United States Attorney

9 /s/ Claire T. Cormier

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

12  
13 DATED: October 5, 2010

HOGAN HOLMES & USOZ LLP

14 /s/ Leslie Holmes

15 LESLIE HOLMES,  
16 Attorneys for Plaintiffs

17  
18 **XXXXXXXXXXXXX ORDER**

19 Pursuant to the stipulation of the parties and good cause appearing, IT IS SO  
20 ORDERED.

21 DATED: 10/13, 2010

22   
23 RONALD M. WHYTE  
24 UNITED STATES DISTRICT COURT JUDGE

25  
26  
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.