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

12 VITALY G. MARCHENKO)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 JOHN McHUGH, SECRETARY OF THE)
 ARMY,)
 16)
 Defendant.)

CASE NO. C09-03673 JF (PVT)
**[PROPOSED] ORDER GRANTING
 ADMINISTRATIVE MOTION TO
 GRANT LEAVE TO FILE SECOND
 AMENDED COMPLAINT AND SET
 TIME FOR RESPONDING TO
 COMPLAINT**

18 Upon motion of defendant, John McHugh, Secretary of the Army (“Defendant”), and
 19 good cause appearing, IT IS HEREBY ORDERED that plaintiff’s Second Amended Complaint,
 20 submitted to the Court on or about October 27, 2009, is deemed filed as of the date of this Order.
 21 Defendant shall have 20 days from the date of this Order to answer, move, or otherwise respond
 22 to the Second Amended Complaint.

24 DATED: 11/16/09


 JEREMY FOGEL
 UNITED STATES DISTRICT COURT JUDGE

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