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8 **IN THE DISTRICT COURT OF THE UNITED STATES OF AMERICA**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

12 ROBERT DURHAM,
13 *Plaintiff,*
14 v.
15 CORRECTIONS OFFICER HUSSEIN;
16 NURSES NANCY DOE and RACHEL ROE,
17 individual nurses in the Santa Clara County jail
18 system, the identities and exact numbers of whom
19 are unknown to plaintiff at this time; CARL
COE and PAULA POE, individually, corrections
20 officers for the Santa Clara County Department of
Corrections, the identities and exact numbers of
whom are unknown to plaintiff at this time;
COUNTY OF SANTA CLARA; DOES 3 to 100,
Defendants.

No. CV11-03775 LHK

ADMINISTRATIVE MOTION
TO ENLARGE TIME TO FILE
DISMISSAL AND ~~PROPOSED~~
ORDER

21 **PLEASE TAKE NOTICE** that plaintiff Robert hereby requests that this court enlarge time
22 in which to file the dismissal in this matter from 8 October 2012 to 19 October 2012

23 On 14 September 2012, plaintiff filed a Notice of Settlement in this matter. On 17
24 September 2012, this Court issued an order commanding that the parties file their dismissal by 8
25 October 2012. Defendants prepared a settlement agreement that was circulated to plaintiff. Plaintiff
26 has expressed concern regarding certain provisions of the agreement with respect to waiver of certain
27 future claims and indemnification. This case is more complex than most in that plaintiff's medical

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1 expenses were paid by both Medi-Cal and Medicare, and, as the Court is aware, the rules with
2 respect Medicare's rights and duties are in a state of transition and actually the subject of Supreme
3 Court review in *E.M.A. ex rel. Plyler v. Cansler*, 674 F.3d 290 (4th Cir.2012), *cert. granted*, *Delia v.*
4 *E.M.A.*, 2012 U.S. LEXIS 5284 (9/25/12). The parties are confident that the language of the
5 settlement agreement can be modified to the satisfaction of all, and request a brief enlargement of
6 time to accomplish this.

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8 Dated: 8 October 2012

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11 /s/ Anthony Boskovich

12 _____
13 Anthony Boskovich
14 Attorney for plaintiff

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16 **ORDER**

17 **GOOD CAUSE APPEARING**, it is **ORDERED** that the parties file their stipulation for
18 dismissal no later than 19 October 2012. The October 24, 2012 case management conference remains
19 as set.

20 Dated: October 11, 2012

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23 _____
24 Lucy H. Koh
25 United States District Court Judge
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