

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. MARK GEIER, *et al.*,

Plaintiffs,

vs.

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES, *et al.*,**

Defendants.

Case No. 05-CV-1749(TFH)

CONSENT MOTION TO POSTPONE PARTY CONFERENCE

Plaintiffs Dr. Mark Geier and David Geier, and defendants Department of Health and Human Services, Sarah K. Parker, James Todd, Benjamin Schwartz, Larry Pickering, and the American Academy of Pediatrics jointly move to postpone the conference which parties are required to hold pursuant to Rule 26(f) and Local Civil Rule 16.3(a) until 10 days after the Court decides the defendants' pending motions to dismiss the Complaint, and aver in support thereof as follows:

1. The Complaint in this matter was filed on September 1, 2005.
2. Defendants Parker and Todd filed a motion to dismiss on November 1, 2005.

Defendants Department of Health and Human Services, Schwartz, and Pickering filed a separate motion to dismiss on November 14, 2005. Defendant American Academy of Pediatrics filed a motion to dismiss and/or for summary judgment on December 1, 2005.

3. The parties have agreed that it would be appropriate to postpone the conference they are required to hold pursuant to Rule 26(f) and Local Civil Rule 16.3(a) until

10 days after the Court decides these motions. Postponing the conference will conserve the Court's and the parties' time and other resources in the event one or more of the motions are granted in whole or in part.

4. The parties contemplate that postponing the conference will also postpone initial disclosures pursuant to Rule 26(a)(1).

WHEREFORE, the parties respectfully request that the Court enter an order postponing the conference pursuant to Rule 26(f) and Local Rule 16.3(a) until 10 days after the three pending motions to dismiss are decided.

Dated: December 5, 2005

Respectfully submitted,

/s/ Joseph A. Hennessy

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American Academy of Pediatrics

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2005, I caused true and correct copies of the foregoing Consent Motion to Postpone Party Conference to be served by the Court's Electronic Case Filing System upon all parties scheduled for electronic notice, and on the following counsel via first-class mail:

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/s/ Adam J. Rappaport
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