

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

David Geier and Mark Geier

Plaintiffs,

vs.

Department of Health and Human
Services et. al.

Defendants.

Plaintiffs' Second Consent
Motion to Extend Until January
20, 2006 The Filing of
Plaintiffs' Opposition to
American Academy of Pediatrics
Motion to Dismiss/Motion for
Summary Judgment

and

Plaintiffs' Consent to American
Academy of Pediatrics Filing Its
Reply to Plaintiffs' Opposition
on February 20, 2006.

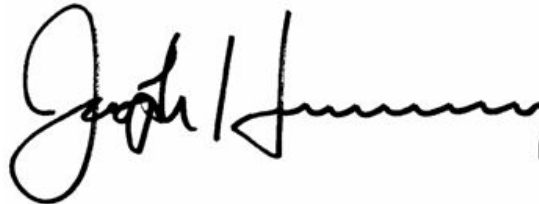
Case No. 1:05CV01749

Judge Thomas F. Hogan

With the consent of Defendant American Academy of Pediatrics ("AAP"), Plaintiffs' hereby move that the Court grant a second extension until January 20, 2006 for Plaintiffs to file an Opposition to the Motion to Dismiss/Motion for Summary Judgment filed by The American Academy of Pediatrics ("AAP"). This second extension is necessary due to the death of Elizabeth Birt, a life-long friend of Plaintiffs' counsel James A. Moody, and the inability of Plaintiffs counsel to complete the opposition brief in the wake of this tragedy. In addition, lead counsel for defendant AAP will be out of the country from January 16 through February 1, 2006. If the Court grants Plaintiffs' requested extension, then AAP requests, with

Plaintiffs' consent, that it be granted an extension until February 20, 2006 to file its reply, if one is warranted.

Respectfully submitted this Tuesday, January 10, 2006.

A handwritten signature in black ink, appearing to read "Joseph Hennessey". The signature is written in a cursive, flowing style with a large initial "J".

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CERTIFICATE OF SERVICE

I, Joseph Hennessey certify that on Tuesday, January 10, 2006, a copy of Plaintiffs' Second Consent Motion to Extend Until January 20, 2006 Plaintiffs' Opposition to American Academy of Pediatrics Motion to Dismiss/Motion for Summary Judgment, and Plaintiffs' Consent to American Academy of Pediatrics Filing Its Reply to Plaintiffs' Opposition on February 20, 2006 was served by via the Electronic Filing System of the United States District Court for the District of Columbia on the below listed parties:

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Statement of Points and
Authorities in Support of
Plaintiffs' Second Consent
Motion to Extend Until January
12, 2006 The Filing of
Plaintiffs' Opposition to
American Academy of Pediatrics
Motion to Dismiss/Motion for
Summary Judgment

and

Plaintiffs' Consent to American
Academy of Pediatrics Filing Its
Reply to Plaintiffs' Opposition
on February 10, 2006.

Case No. 1:05CV01749

Judge Thomas F. Hogan

Pursuant to Local Rule 7(a), Plaintiffs provide the following Statement of Points and Authorities in Support of Plaintiffs' Second Consent Motion to Extend Until January 20, 2006 the Filing of Plaintiffs' Opposition to American Academy of Pediatrics Motion to Dismiss/Motion for Summary Judgment, and Plaintiffs' Consent to American Academy of Pediatrics Filing Its Reply to Plaintiffs' Opposition on February 20, 2006.

- On December 28, 2005, Elizabeth ("Liz") Birt was killed in a car crash in the State of Colorado.¹ Members of Liz's family were critically injured in this same accident.

- Liz Birt was a life-long friend of James A. Moody.
- Plaintiffs' counsel, Joseph Hennessey, has been unable to make contact with James Moody since the tragic accident.
- Mr. Moody's input is critical in order for Plaintiffs' to adequately respond to AAP's Motion to Dismiss/Motion for Summary Judgment.
- AAP consents to the extension of time.
- In addition, lead counsel for defendant AAP will be out of the country from January 16 through February 1, 2006.
- There will be no prejudice caused by the extension of time needed for Plaintiffs' counsel to meet and confer regarding the filing of the opposition brief.

Respectfully submitted this Tuesday, January 10, 2006.



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¹ See <http://www.nationalautismassociation.org/liz/liz.htm>

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ORDER

Plaintiffs having filed a consent motion to extend until January 20, 2006 for Plaintiffs to file their Opposition to The American Academy of Pediatric's Motion to Dismiss/Motion for Summary Judgment; and Plaintiffs having consented to The American Academy of Pediatric's filing its Reply to Plaintiffs' Opposition on February 20, 2006; and the Court finding good cause shown, the Court hereby

ORDERS that Plaintiffs' Opposition to The American Academy of Pediatric's Motion to Dismiss/Motion for Summary Judgment shall be filed on or before January 20, 2006, and The American Academy of Pediatric's Reply to Plaintiffs Opposition shall be filed on or before February 20, 2006. Done this _____ day of _____, 2005.

Judge, United States District Court