

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

DAVID GEIER AND MARK GEIER

et al.,

Plaintiffs,

vs.

**Department of Health and Human
Services**

et al.

Defendants.

Plaintiffs' Third Consent Motion for an
Enlargement of Time to File an Opposition
to the American Academy of Pediatrics's
Motion to Dismiss/Motion for Summary
Judgment

Case No. 1:05CV01749

Judge Thomas Hogan

With the gracious consent of the American Academy of Pediatrics ("AAP") and with the Court's indulgence, Plaintiffs respectfully request a third extension on filing their Opposition to AAP's Motion to Dismiss/Motion for Summary Judgment. This additional time is necessary due to the necessity of lead Plaintiff Counsel James A. Moody remaining in Chicago to assist with the emergency following the automobile accident that killed his life-long friend Liz Birt. Under the revised briefing schedule, Plaintiffs will submit their opposition brief on January 30, 2006, and AAP will file its reply brief on March 3, 2006. Respectfully submitted this Monday, January 23, 2006.

/s/ Joseph Hennessey

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CERTIFICATE OF SERVICE

I, Joseph Hennessey certify that on Monday, January 23, 2006, a copy of Plaintiffs' Third Consent Motion to Enlarge the Time to File an Opposition to American Academy of Pediatrics's Motion to Dismiss/Motion for Summary Judgment was served by the Electronic Filing Process of the United States District Court for the District of Columbia.

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ORDER

Plaintiffs having requested additional time for the filing of their Opposition to Defendant American Academy of Pediatrics's ("AAP") Motion to Dismiss/Motion for Summary Judgment; AAP having consented to this motion; and the Court finding good cause shown; it is hereby

ORDERED that Plaintiffs are granted until Monday, January 30, 2006 to file their Opposition to AAP's Motion to Dismiss/Motion for Summary Judgment; and it is further

ORDERED that AAP is granted until Friday, March 3, 2006 to file its Reply to Plaintiffs' Opposition to AAP's Motion to Dismiss/Motion for Summary Judgment.

Done this ____ day of _____, 2005.

Judge, United States District Court

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

DAVID GEIER AND MARK GEIER

et al.,

Plaintiffs,

vs.

**Department of Health and Human
Services**

et al.

Defendants.

Memorandum of Points and Authorities in
Support of
Plaintiffs' Third Consent Motion for an
Enlargement of Time to File an Opposition
to the American Academy of Pediatrics's
Motion to Dismiss/Motion for Summary
Judgment

Case No. 1:05CV01749

Judge Thomas Hogan

Pursuant to Local Rule 7 (a), Plaintiffs provide the following Statement of Points and Authorities in Support of Plaintiffs' Third Consent Motion to Enlarge the Time to file an Opposition to AAP's Motion to Dismiss/Motion for Summary Judgment.

- As the Court was previously informed, James A. Moody's life long friend and a leading advocate for autistic children, Liz Birt, was killed in an automobile accident on December 28, 2005.
- Other persons in the vehicle were seriously injured.
- James A. Moody was asked to handle the organization of the funeral and memorial service for Ms. Birt.
- Mr. Moody was asked to handle other issues related to the sudden and tragic death of Ms. Birt.

- Due to the various requests made upon Mr. Moody, he has been in Chicago, IL for most of the last three weeks.
- Being in Chicago, IL – without access to his files and pleadings – and attending to matters related to the tragic death of his friend – made it impossible for Mr. Moody to work or consult with Joseph Hennessey on responding to AAP’s Motion to Dismiss/Motion for Summary Judgment.
- AAP consents to this motion.
- The parties will not be prejudiced by the additional time to reply to AAP’s Motion to Dismiss/Motion for Summary Judgment. .

/s/ Joseph Hennessey

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