

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JUN 25
05
KJ

SALT INSTITUTE, *et al.*,)
)
Plaintiffs,)
)
v.)
)
TOMMY THOMPSON,)
Secretary, Department of Health)
and Human Services)
)
Defendant.)
_____)

CIVIL ACTION NO. 04-359-A

AGREED ORDER

This case raises matters of first impression. For these reasons and others, in an order dated May 27, 2004, this Court granted a fourteen-day enlargement of time, or until June 15, 2004, for defendant to file his initial response to plaintiffs' complaint consistent with FRCP 12. In the interim, plaintiffs filed an amended complaint on June 10, 2004. Pursuant to FRCP 15(a), defendant's initial response to this amended complaint is therefore due to be filed (and will be filed) on June 25, 2004.

In order to present such issues to this Court in as comprehensive and thoughtful a manner as possible, the parties have consented to the following briefing schedule with respect to defendant's motion to dismiss, which will be filed with this Court on Friday, June 25, 2004: (1) plaintiffs' opposition memorandum will be filed on July 15, 2004; (2) defendant's reply memorandum will be filed on July 30, 2004; and (3) defendant will

notice his motion for a hearing on August 13, 2004. All memoranda will be served by first class mail and by electronic mail to the appropriate counsel. Finally, the parties believe that the causes of action presented in plaintiff's complaint will require only limited discovery, and as such, the above-mentioned schedule will not prevent the timely resolution of this matter.

In addition, the parties concluded that adequate treatment of the legal issues raised by plaintiffs' complaint require a minimal enlargement of the page limitation found in Local Rule 7(F)(3); specifically, that both defendant's initial memorandum and plaintiffs' opposition memorandum be enlarged to forty (40) pages in length. Defendant believes that the twenty (20) page limitation for reply memoranda found in Local Rule 7(F)(3) will be sufficient.

Accordingly, it is hereby

ORDERED that, pursuant to Local Rule 7(F)(3), for cause shown, the page limitations on both defendant's initial memorandum and plaintiffs' opposition memorandum are expanded to forty (40) pages; and it is hereby

ORDERED that plaintiffs' memorandum in opposition to defendant's motion to dismiss be filed no later than July 15, 2004, that defendant's reply memorandum be filed no later than July 30, 2004, and that defendant notice his motion to dismiss for hearing on August 13, 2004.

Date: July 25, 2004


UNITED STATES DISTRICT JUDGE

WE ASK FOR THIS:

 AVSA, EW:

Reed D. Rubinstein
Greenberg Traurig, LLP
800 Connecticut Avenue, N.W., #500
Washington, D.C. 20006
(202) 331-3100
ATTORNEYS FOR PLAINTIFFS

Date: 10/24/04



Dennis C. Barghaan, Jr.
Assistant United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3891
ATTORNEYS FOR DEFENDANT

Date: 10/24/04

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true copy of the foregoing was served on

plaintiff by first class mail addressed to:

Reed D. Rubinstein
Greenberg Traurig, LLP
800 Connecticut Avenue, N.W., #500
Washington, D.C. 20006

Date: 6/24/04



DENNIS C. BARGHAAN, JR.
Assistant United States Attorney