

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PREMIER MEDICAL SUPPLIES, INC.,) Case No.: 1:07CV3809
)
Plaintiff,)
) JUDGE GAUGHAN
v.) MAGISTRATE BAUGHMAN
)
MICHAEL O. LEAVITT et al.,) MOTION FOR EXTENSION OF
) TIME AND CONTINUANCE OF
Defendants.) CASE MANAGEMENT CONFERENCE

NOW COME Defendants Michael O. Leavitt, Secretary of the Department of Health and Human Services, in his official capacity and Kerry Weems, Acting Administrator of the Centers for Medicare and Medicaid Services, in his official capacity, by Lisa Hammond Johnson, Assistant United States Attorney, who hereby move this Court for an extension of time until February 19, 2008, within which to answer or otherwise respond to the Complaint in this case. Defendants' answer currently is due on February 5, 2008. However, this case has recently been reassigned to a Department of Justice attorney in Washington, D.C., who will need additional time to become familiar with and respond to the Complaint in this case.

Defendants also move for a continuance of the case management conference in this case that currently is scheduled

for February 8, 2008, at 9:00 a.m. Defendants believe that the resources of the parties and the Court may be better used by continuing the case management conference until after the new attorney has been able to familiarize himself with this case and file an answer or other response to the Complaint.

Defendants' counsel has consulted with Plaintiff's counsel, who has no objection to this request. Plaintiff's counsel has indicated that he would be unavailable for a case management conference during the week of February 25, 2008, but that he would be available during the week of February 18, 2008.

For all of the foregoing reasons, Defendants respectfully move this Court for an extension of time until February 19, 2008, within which to answer or otherwise respond to the Complaint in this case, and for a continuance of the February 8, 2008, case management conference until after February 19, 2008.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2008, a copy of the foregoing **Motion For Extension Of Time and Continuance Of Case Management Conference** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Lisa Hammond Johnson
Lisa Hammond Johnson
Assistant U.S. Attorney