

UNITED STATES OF AMERICA
BEFORE THE FOOD AND DRUG ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

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In the matter of)		
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LAHAYE CENTER FOR ADVANCED)	FDA Docket No. <u>02H-0443</u>	1
EYE CARE OF LAFAYETTE,)		4
D/B/A LAHAYE TOTAL EYE CARE,)		7
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a corporation,)		03
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and)		-8
)		11
LEON C. LAHAYE,)		35
)		
an individual.)		
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**United States' Unopposed Motion To Continue
Deadline for Motion Seeking a Protective Order**

Pursuant to 21 C.F.R. § 17.32, the United States moves for an order continuing to August 20, 2003, the deadline for seeking a protective order against Respondents' First Request for Production of Documents ("Production Request"). In support thereof, the Government avers as follows:

1. Respondents served their Production Request on July 29, 2003. Under Rules 17.23(d) and 17.30(c), were the Government to respond by seeking a protective order, the deadline for its motion would be August 13, 2003.
2. The Government objects to many of the particular requests in the Production Request. But the Government and Respondents are trying to resolve these objections cooperatively. The proposed continuance will provide additional time to permit the parties to do

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so. A cooperative result would avoid putting this dispute before the Court via a motion for a protective order.

3. Respondents' counsel does not oppose the requested continuance.

4. The requested continuance will not effect the deadlines in the scheduling order for this case.

Accordingly, the Government respectfully requests that the Court issue an order continuing to August 20, 2003, the deadline for seeking a protective order against the Production Request. A proposed Order is attached.

DATED: August 8, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven D. Silverman", is written over a horizontal line.

STEVEN D. SILVERMAN
Attorney for Complainant
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Rockville, MD 20857
(301) 827-6474

CERTIFICATE OF SERVICE

I certify that, on August 8, 2003, I caused a copy of this Unopposed Motion To Continue

Deadline for Motion Seeking a Protective Order to be sent via first-class mail to the following:

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ORDER

Pending before the Court is the United States' Unopposed Motion To Continue Deadline for Motion Seeking a Protective Order. For good cause shown, it is ORDERED that the motion is GRANTED. It is further ORDERED that the deadline for a motion by the United States seeking a protective order against Respondents' First Request for Production of Documents shall be continued to August 20, 2003.

Dated: August _____, 2003

DANIEL J. DAVIDSON
Administrative Law Judge
Food and Drug Administration
Room 9-57, HF-3
5600 Fishers Lane
Rockville, MD 20857