

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.*


Motion to an Emergency Stay of  
Further Proceedings to Enable  
Plaintiffs to Identify and  
Retain New Lead Counsel

Case No. 1:05CV01749

Judge Thomas F. Hogan

Plaintiffs respectfully request that the Court enter an emergency stay of all proceedings and suspend the briefing calendar in this case to enable them to identify and retain new lead counsel in the above captioned case.

Respectfully submitted this Friday, March 17, 2006.



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CERTIFICATE OF SERVICE

I, Joseph Hennessey certify that on Friday, March 17, 2006, a copy of Plaintiffs' Motion to an Emergency Stay of Further Proceedings to Enable Mark and David Geier to Identify and Retain New Lead Counsel and Plaintiffs' Request for a Status Hearing 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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UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA

David Geier And Mark Geier

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Memorandum of Points and  
Authorities in Support of  
Motion for an Emergency Stay of  
Further Proceedings to Enable  
Mark Plaintiffs to Identify and  
Retain New Lead Counsel

Case No. 1:05CV01749

Judge Thomas F. Hogan

Plaintiffs Mark and David Geier submit the following memorandum of points and authorities in support of their Motion for an Emergency Stay of Further Proceedings to Enable Plaintiffs to Identify and Retain New Lead Counsel:

- This Court has previously granted eight requests for extensions of time to enable Plaintiffs to respond to motions filed by Defendants.
- The extensions of time requested by Plaintiffs have been required because of the difficulty that Plaintiffs and attorney Joseph Hennessey have had in communicating with lead plaintiff counsel James Moody.
- Personal tragedy (the death of close friend and autism activist Liz Birt), and conflicting professional commitments have apparently contributed to the inability of

lead Plaintiff Counsel James Moody's ability to communicate with Plaintiffs and attorney Hennessey.

- Plaintiffs rely heavily on James Moody's expertise to prosecute this action. James Moody has been lead counsel in this matter, responsible for case strategy.
- Notwithstanding the heavy reliance that Plaintiffs placed on Mr. Moody's expertise, it is clear that the case against Defendants is being prejudiced by Plaintiffs' inability to communicate with Mr. Moody.
- Plaintiffs request an emergency stay of all proceedings and a suspension of the calendar in this case so that they may identify and retain new lead counsel who will prosecute this action on their behalf.

Respectfully submitted this Friday, March 17, 2006.



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