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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 TERRY ADAMS,

13 Plaintiff,

14 v.

15 MICHAEL J. ASTRUE,
 Acting Commissioner of
 16 Social Security,

17 Defendant.

CIVIL NO. 1:08-CV-00156-OWW-GSA

STIPULATION AND ORDER TO EXTEND TIME

18 The parties hereby stipulate by counsel, with the Court's approval as indicated by issuance of the
 19 attached Order, that Defendant shall have a final extension of time of 48 days to respond to Plaintiff's
 20 opening brief up to and including July 22, 2009. Defendant is filing his opposition to Plaintiff's opening
 21 brief this same day. Defendant requires this final extension due to a case management error made by the
 22 undersigned attorney for the Commissioner. Said attorney had previously been granted extensions in
 23 this case and intended to file the Commissioner's opposition by June 4, 2009. However, counsel failed
 24 to file the Commissioner's brief on time as she inadvertently deleted it from her calendar and thus
 25 believed the brief had been filed. Staff for Plaintiff called the error to Counsel's attention.
 26

27 Counsel's confusion was occasioned by the large number of case shifting currently going on in
 28 the Commissioner's Office of Regional Chief Counsel. The office recently experienced sudden

1 departures of four senior attorneys, two of whom accepted positions as administrative law judges, which
2 provided only a short time between the offer dates and starting dates. Also, one senior attorney, for
3 whom the undersigned attorney for the Commissioner was backing up on an unrelated matter, went on
4 extended emergency medical leave. This departure caused hardship as no one in the Commissioner's
5 office had a firm grip on what was pending in this attorney's cases and re-assignments have been done
6 with no notice and often at an emergency stage. Another senior attorney is on extended paternity leave,
7 and a third senior attorney is currently working part-time due to the serious medical condition of a family
8 member. Due to these departures and absences, the attorneys in the Commissioner's regional office
9 have experienced an unanticipated increase in workload due to office restructuring and reassignment of
10 over 250 district court cases and approximately 20 Ninth Circuit appeals. This massive reassigning has,
11 unfortunately, resulted in an occasional calendaring error as happened in this case.

12
13 The Commissioner's opposition will be filed at the same time as this stipulation. The parties
14 further stipulate that the Court's Scheduling Order shall be modified accordingly.

15 Respectfully submitted,

16 /s/ *Sengthiene Bosavanh*

17 Dated July 22, 2009,

18 _____
Sengthiene Bosavanh
(as authorized by telephone)
Attorney for Plaintiff

19 Dated July 22, 2009,

20 LAWRENCE G. BROWN
Acting United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

21
22 By:

23 /s/ *Elizabeth Firer*

24 _____
Elizabeth Firer
Special Assistant U.S. Attorney

25 Attorneys for Defendant

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ORDER

Having considered the parties' stipulation, the Commissioner's request for an extension of time to file its opposition until July 22, 2009 is granted nunc pro tunc. The Court's scheduling order shall be modified accordingly.

IT IS SO ORDERED.

Dated: July 24, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE