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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA

10 **FRESNO DIVISION**

11
 12 ROY LARSON,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Acting Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 _____)

CIVIL NO. 1:08-CV-01136-GSA

STIPULATION AND ORDER TO EXTEND TIME

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 19 The parties hereby stipulate by counsel, with the Court’s approval as indicated by issuance of the
 20 attached Order, that Defendant shall have an extension of time of 30 days to respond to Plaintiff’s
 21 Opening Brief up to and including August 5, 2009. This request is due to a heavy work load occasioned,
 22 in part, by staffing shortages in the Commissioner’s regional office. In the months of April and June,
 23 2009, 4 attorneys have departed for other jobs or have been transferred to positions that do not include
 24 briefing and another has gone on unexpected and indefinite medical leave. All of the cases assigned to
 25 these attorneys have been reassigned, sometimes with little notice, and this has resulted in a unusually
 26 heavy work load for the undersigned Special Assistant United States Attorney. In the month of June, she
 27 had 11 district court briefs and an appellate brief due; she had four district court briefs due on July 6
 28

1 alone. Due to this work load, the Commissioner's brief cannot be completed within the original time
2 frame.

3 The parties submit that this matter should now proceed in accordance with the original
4 scheduling order, i.e., Plaintiff shall have 15 days to file a reply, if any, to Defendant's responsive brief.
5

6 Respectfully submitted,

7 */s/ D. James Tree*

8 Dated: July 7, 2009

9 _____
D. James Tree
(as authorized via email)
Attorney at Law

10 Attorney for Plaintiff

11
12 Dated: July 7, 2009

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

15 By:

16 */s/ Elizabeth Firer*

17 _____
Elizabeth Firer
Special Assistant U.S. Attorney

18 Attorneys for Defendant
19
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21 IT IS SO ORDERED.

22 Dated: July 8, 2009

23 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE
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