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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

10 **FRESNO DIVISION**

11 ALISA MARTINEZ,

12 Plaintiff,

13 v.

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

17 Defendant.

CIVIL NO. 1:08-CV-01138-GSA

STIPULATION AND ORDER TO  
EXTEND TIME

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 20 The parties hereby stipulate by counsel, with the Court's approval as indicated by  
 21 issuance of the attached Order, that Defendant shall have an extension of time of 30 days to  
 22 respond to Plaintiff's Opening Brief up to and including August 14, 2009. This request is due to  
 23 a heavy work load occasioned, in part, by staffing shortages in the Commissioner's regional  
 24 office. In the months of April and June, 2009, 4 attorneys have departed for other jobs or have  
 25 been transferred to positions that do not include briefing and another has gone on unexpected and  
 26 indefinite medical leave. All of the cases assigned to these attorneys have been reassigned,  
 27 sometimes with little notice, and this has resulted in a unusually heavy work load for the  
 28 undersigned Special Assistant United States Attorney. In the month of June, she had 11 district

1 court briefs and an appellate brief due; currently, in July, she has 15 district court briefs and 1  
2 Ninth Circuit brief due. Due to this work load, the Commissioner's brief cannot be completed  
3 within the original time frame.

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

7  
8 Dated: July 15, 2009

Respectfully submitted,

*/s/ D. James Tree*

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

Attorney for Plaintiff

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11  
12 Dated: July 15, 2009

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

13  
14  
15  
16 By:

*/s/ Elizabeth Firer*

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Elizabeth Firer  
Special Assistant U.S. Attorney

Attorneys for Defendant

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20 **ORDER**

21 IT IS SO ORDERED.

22 Dated: July 16, 2009

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE

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