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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 ALISA MARTINEZ,

13 Plaintiff,

14 v.

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

17 Defendant.

CIVIL NO. 1:08-CV-01138-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 20 days to respond to Plaintiff's  
 21 Opening Brief up to and including September 3, 2009. This request is due to the fact that the  
 22 undersigned attorney for the Commissioner could not complete the Commissioner's responsive brief  
 23 within the time that had been granted in a previous extension. Since April 2009, 8 senior attorneys have  
 24 left the office or had been on extended leave. During the time the case loads of these attorneys were  
 25 being reassigned, the case tracking system the Commissioner employs was unreliable and the  
 26 Commissioner's attorneys have no support staff assisting with scheduling or case management. Further,  
 27 in the past two weeks, the undersigned attorney for the Commissioner has had to assist the United States  
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1 Department of Justice on a recommendation for a petition of certiorari in Vasquez v. Astrue, 547 F.3d  
2 1101 (9th Cir. 2008) (petition for en banc review denied July 8, 2009), which was unpredictable. In this  
3 press of work and confusion surrounding the exodus of attorneys, the undersigned attorney for the  
4 Commissioner failed to complete this brief on time. Counsel apologizes for her error. She will file the  
5 Commissioner's brief immediately after filing this stipulation and proposed order so that no further delay  
6 occurs. Most of the senior attorneys who had been on leave have returned and 8 attorneys have been  
7 hired so the heavy individual work loads in the Commissioner's regional office should diminish in the  
8 near future.

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

3 Respectfully submitted,

4 */s/ D. James Tree*

5 Dated: September 3, 2009

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

7 Attorney for Plaintiff

8 Dated: September 3, 2009

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

11 By:

12 */s/ Elizabeth Firer*

13 Elizabeth Firer  
Special Assistant U.S. Attorney

14 Attorneys for Defendant

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17 **ORDER**

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19 IT IS SO ORDERED.

20 Dated: September 4, 2009

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