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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 JIMMY PANGLE,

13 Plaintiff,

14 v.

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

17 Defendant.

CIVIL NO. 1:08-CV-01760 DLB

STIPULATION AND ORDER

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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 a FIRST extension of time of 30 days, up to and including
 21 September 24, 2009, to respond to Plaintiff's motion for summary judgment. This request is sought
 22 because the undersigned attorney for the Commissioner has had an extremely heavy case load from at
 23 least July 2009 and continuing through September 2009. In the past two weeks, she has also had to deal
 24 with unpredictable work involving a petition for a writ of certiorari in Vasquez v. Astrue, 547 F.3d 1101
 25 (9th Cir. 2008) (petition for en banc review denied July 8, 2009), which precluded her from completing
 26 the brief within the time set forth in the original scheduling order.

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1 The parties further stipulate that the Court's Scheduling Order shall be modified accordingly.

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3 Respectfully submitted,

4 Dated: September 8, 2009

/s/ Shanny J. Lee
(As authorized via email)
SHANNY J. LEE
Attorney for Plaintiff

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7 Dated: September 8, 2009

LAWRENCE G. BROWN
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11 */s/ Elizabeth Firer*
ELIZABETH FIRER
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12 Attorneys for Defendant

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15 IT IS SO ORDERED.

16 Dated: September 8, 2009

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE