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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
 7 **EASTERN DISTRICT OF CALIFORNIA**

8 SARABJIT GURON,)	1: 09-cv-867 OWW DLB
)	
9 Plaintiff,)	JOINT STIPULATION AND ORDER RE:
)	EXTENSION OF TIME TO FILE ALIEN
10 v.)	FILE, MOTIONS FOR SUMMARY
)	JUDGMENT, DECLARATION OF
11 Michael Aytes, et al.)	COUNSEL.
)	
12 Defendants.)	Hearing Date: August 23, 2010
)	Time: 10 a.m.
13 _____))	
)	Hon. Oliver W. Wanger

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 18 This is an immigration case in which plaintiffs challenge the denial by U.S. Citizenship and
 19 Immigration Services' (CIS) of her visa petitions on her husband's behalf. On February 16,
 20 2010, this Court issued a scheduling order setting forth dates for filing the administrative record,
 21 summary judgment motions and hearing dates, and trial dates. For the reasons set forth in the
 22 attached declaration of counsel, the government has mistakenly failed to timely submit the
 23 administrative record, either to this Court or to plaintiff's counsel. Undersigned counsel for the
 24 government apologizes for the error and the inconvenience caused to opposing counsel and to the
 Court.

25 Good cause having been shown, the government requests a two-week extension of time in
 26 which to file the certified administrative record, until June 8, 2010. The parties also stipulate that
 27 the time for filing motions for summary judgment be extended until July 8, 2010, and the reply
 28 date to July 29, 2010. The parties stipulate that the August 23, 2010 hearing date be maintained,

1 unless the time between the reply date and the hearing is too short, in which case the hearing date
2 be rescheduled at the Court's convenience.

3
4 Dated: May 25, 2010

5 BENJAMIN B. WAGNER
6 United States Attorney

7 By: /s/Audrey Hemesath
8 Audrey B. Hemesath
9 Assistant U.S. Attorney
10 Attorneys for the Defendants

11 By: /s/ Robert B. Jobe
12 Robert B. Jobe
13 Attorney for the Plaintiff

14
15 ORDER

16 Pursuant to this Joint Stipulation and for the reasons stated therein, IT IS HEREBY
17 ORDERED that, good cause having been shown, the summary judgment motions dates be reset
18 as follows:

19 June 8, 2010: Filing deadline for submission of the certified administrative record

20 July 8, 2010: Filing deadline for cross-motions for summary judgment

21 July 29, 2010: Filing deadline for replies in opposition to motions for summary judgment

22 All other dates to remain as set forth in the February 16, 2010 scheduling order.
23

24 IT IS SO ORDERED.
25

26 DATED: 5/26/2010

27 /s/ OLIVER W. WANGER
28 UNITED STATES DISTRICT JUDGE

DECLARATION

1 I, Audrey Hemesath, declare and state as follows:
2

3 1. I am an Assistant United States Attorney, with assigned litigation responsibilities in the case
4 of Sarabjit Guron v. Michael Aytes, 09-cv-F-867.

5 2. I received an electronic copy of the scheduling order issued in this case on February 16, 2010.

6 3. On that same date, I followed the procedures established by U.S. Citizenship and Immigration
7 Services for formal requests for alien file certifications. I requested that the file be certified by
8 March 2, 2010.

9 4. I also annotated in my calendar all the filing dates listed to the right of the case caption on the
10 Court's scheduling order. I neglected, however, to as well annotate the March 31, 2010, deadline
11 for the filing of the administrative record.

12 5. As such, I neglected to follow up with U.S. Citizenship and Immigration Services to ensure
13 that I did timely receive the alien file, and I neglected to file the file either with the Court or
14 submit a copy to opposing counsel.

15 6. It was not until I began to prepare for the May 28, 2010 summary judgment filing deadline
16 that I became aware of the missed deadline for filing the administrative record.

17 7. Upon learning of the omission, I immediately contacted U.S. Citizenship and Immigration
18 Services, and file production is being expedited. As well I contacted opposing counsel, who
19 advised of his non-opposition to the extension of time made necessary by this mistake.

20 8. I am sincerely apologetic for the inconvenience caused by this error, and I will take greater
21 care in the future in annotating all filing deadlines associated with the Court's scheduling orders.
22

23 I declare that the foregoing is true and correct under penalty of perjury and that the foregoing was
24 executed in Sacramento, California on May 25, 2010.
25

26 /s/ Audrey Hemesath
27 Audrey Hemesath
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