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5 Attorneys for Plaintiff
 6 Gregory D. Harper

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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **FRESNO DIVISION**

12 GREGORY D. HARPER,)	Case No.: 1:09 CV 1211 SMS
)	
13 Plaintiff,)	STIPULATION TO CONTINUE
)	BRIEFING SCHEDULE
14 vs.)	
)	
15 MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
16 Defendant)	
)	
)	

18
 19 TO THE HONORABLE SANDRA M. SNYDER, UNITED STATES
 20 DISTRICT COURT, MAGISTRATE JUDGE OF THE DISTRICT COURT:

21 The parties hereby stipulate that Plaintiff shall have an extension of time, to
 22 and including March 10, 2010, in which to provide defendants with plaintiff's
 23 confidential letter. Defendant's written response will be due to plaintiff by April, 9,
 24 2010. Plaintiff's opening brief shall be filed by May 10, 2010. Defendant's reply
 25 brief shall be due by June 9, 2010 and Plaintiff's reply brief due 15 days thereafter.

1 This request is made at the request of Plaintiff's counsel. On December 21,
2 2009 Plaintiff's counsel prepared a confidential letter and was under the
3 impression that it had been emailed to defendant's counsel SAUSA Theophous
4 Reagans; however, the electronic transmissions did not go through and the hard
5 copy was not mailed based upon the erroneous presumption that the electronic
6 deliveries had been completed. Counsel became aware of this error following a
7 call from the court and an e-mail to SAUSA Reagans. SAUSA Reagans requested
8 delivery of the voluntary remand brief that was prepared on December 21, 2010 as
9 he had never received the same. Plaintiff's counsel forwarded the same to him
10 today. Plaintiff's counsel had not calendared a response to the voluntary remand
11 as counsel's firm has switched to a complete operating system and was not aware
12 of the proper procedures at the time. Plaintiff's counsel is now aware and the
13 system is set to calendar responses to the voluntary remand requests. Counsel for
14 Plaintiff and Defendant make this request in good faith and will calendar and
15 respond to the dates herein timely.

16 IT IS SO STIPULATED.

17 DATE: March 10, 2010

Respectfully submitted,

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LAW OFFICES OF LAWRENCE D. ROHLFING

19

/s/ Denise Bourgeois Haley

20

BY: _____

Denise Bourgeois Haley
Attorney for plaintiff GREGORY D. HARPER

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Date: March 10, 2010

GEORGE S. CARDONA
Acting United States Attorney
LEON W. WEIDMAN
Chief, Civil Division

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BY: /s/ Theophous Reagans

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Theophous H. Reagans
Special Assistant United States Attorney
Attorneys for Defendant MICHAEL J. ASTRUE
Commissioner of Social Security

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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO DIVISION**

11
12 GREGORY D. HARPER,) Case No.: 1:09 CV 1211 SMS
13 Plaintiff,) ORDER ON STIPULATION
14 vs.)
15 MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
16 Defendant)
17)

18
19 IT IS SO ORDERED on the stipulation of the parties that Plaintiff shall have
20 an extension of time, to and including March 10, 2010, in which to provide
21 defendants with plaintiff's confidential letter. Defendant's written response will be
22 due to plaintiff by April 9, 2010. Plaintiff's opening brief shall be filed by May 10,
23 2010. Defendant's reply brief shall be due by June 9, 2010 and Plaintiff's reply
24 brief due 15 days thereafter

25 Dated: March 10, 2010 /s/ Sandra M. Snyder

26 UNITED STATES MAGISTRATE JUDGE