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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 **FRESNO DIVISION**

12 ROSEMARIE WHITENDALE, )

13 Plaintiff, )

14 v. )

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

17 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 1:10-cv-01561 SKO

STIPULATION AND ORDER

18  
 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 30 days to respond to Plaintiff's motion for  
 21 summary judgment. The current due date is June 9, 2011, the new due date will be July 11, 2011 (day 30  
 22 falls on a Saturday).

23 This extension is being sought because the undersigned counsel for the Commissioner has and has  
 24 had a very heaving briefing and reviewing schedule for the months of May and June 2011 and has also been  
 25 recovering from a knee surgery that has been more complicated and resulted in more lost work time than  
 26 expected. From May 31 to June 10, 2011, Counsel has or had 7 district court briefs due and she has had to  
 27 review the Ninth Circuit briefs for two of her colleagues, which is work that cannot be extended without  
 28 impacting the schedules of three attorneys in the Commissioner's office as well as the United States

1 Attorney's Office. During the remainder of June and through July 8, 2011, Counsel has an additional 10  
2 district court briefs due, plus an appellate brief of her own due and four more appellate briefs to review for  
3 her colleagues. Given this work load, Counsel was unable to complete the Commissioner's brief by June  
4 9, 2011 and respectfully requests an additional 30 days.

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

6 Respectfully submitted,

7 Dated: June 8, 2011

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

12 Dated: June 8, 2011

13 BENJAMIN B. WAGNER  
14 United States Attorney  
15 LUCILLE GONZALES MEIS  
16 Regional Chief Counsel, Region IX  
17 Social Security Administration

18 /s/ Elizabeth Firer  
19 ELIZABETH FIRER  
20 Special Assistant U.S. Attorney

21 Attorneys for Defendant

22 IT IS SO ORDERED.

23 Dated: June 8, 2011

24 /s/ Sheila K. Oberto  
25 UNITED STATES MAGISTRATE JUDGE