

1 Steven G. Rosales
Attorney at Law: 222224
2 Law Offices of Lawrence D. Rohlring
12631 East Imperial Highway, Suite C-115
3 Santa Fe Springs, CA 90670
Tel.: (562)868-5886
4 Fax: (562)868-5491
E-mail _steven_rohlfing.office@speakeasy.net

5 Attorneys for Plaintiff JOHN THOMAS

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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9 **FRESNO DIVISION**
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11 JOHN THOMAS,) Case No.: 1:11-CV-01291-SKO
12)
13 Plaintiff,) STIPULATION AND ORDER TO
14 vs.) EXTEND BRIEFING SCHEDULE
15 MICHAEL J. ASTRUE, Commissioner)
16 of Social Security,)
17 Defendant)

18 TO THE HONORABLE SHEILA K. OBERTO, MAGISTRATE JUDGE
19 OF THE DISTRICT COURT:

20 Plaintiff John Thomas (“Plaintiff”) and defendant Michael Astrue,
21 Commissioner of Social Security (“Defendant”), through their undersigned counsel
22 of record, hereby stipulate, subject to the approval of the Court, to extend the time
23 for Plaintiff to file Plaintiff’s Opening Brief to May 23, 2012; and that Defendant
24 shall have until June 22, 2012, to file his opposition, if any is forthcoming. Any
25 reply by plaintiff will be due June 29, 2012.
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1 An extension of time for plaintiff is needed due to a serious illness in
2 Counsel's family. Counsel was recently informed that his Spouse's Stage IV breast
3 cancer which has metastasized to her liver, now has 15 tumors comprising 60% of
4 that organ. Counsel's spouse has begun her third round of chemotherapy due to
5 progression of her cancer and a lack of positive response to the prior two
6 chemotherapy treatments. Counsel requires the additional time to file the Opening
7 Brief to allow him to devote the appropriate time to assist his Spouse and his two
8 pre-school aged children through this obviously stressful experience. Counsel
9 sincerely apologizes to the court for any inconvenience this may have had upon it
10 or its staff.

11

12 DATE: March 23, 2012

Respectfully submitted,

13

LAW OFFICES OF LAWRENCE D. ROHLFING

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/s/ Steven G. Rosales

15

BY: _____

Steven G. Rosales

Attorney for plaintiff JOHN THOMAS

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17 DATE: March 23, 2012

BENJAMIN WAGNER

United States Attorney

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**/S/- Tova Wolking*

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Tova Wolking

Special Assistant United States Attorney

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Attorney for Defendant

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[*Via email authorization]

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ORDER

IT IS HEREBY ORDERED that plaintiff may have an extension of time, to and including May 23, 2012, in which to file Plaintiff’s Opening Brief; Defendant may have an extension of time to June 22, 2012 to consider the contentions raised in Plaintiff’s Opening Brief, and file any opposition if necessary. Any reply by plaintiff will be due June 29, 2012.

IT IS SO ORDERED.

Dated: March 27, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE