UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHERRY SLADE, Plaintiff, v. COMMISSIONER OF SOCIAL SECURITY, Defendant.	Case No.: 1:12-cv-01253 - JLT ORDER GRANTING A SECOND EXTENSION OF TIME (Doc. 13)

On January 24, 2013, the parties filed a stipulation for Plaintiff to have an extension of thirty days to serve Defendant with a confidential brief. (Doc. 13). Notably, the scheduling order in this action allows for "a *single* thirty (30) day extension" by stipulation of the parties. (Doc. 5-1 at 4) (emphasis added). This extension was used by the plaintiff in her previous request for an additional thirty days to prepare and serve a confidential brief. (Docs. 11-12). Beyond the single thirty-day extension, "requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause." (Doc. 5-1 at 4).

A scheduling order "is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded without peril." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). The deadlines are considered "firm, real and are to be taken seriously by parties and their counsel." *Shore v. Brown*, 74 Fed. R. Serv. 3d (Callaghan) 1260, 2009 U.S. Dist. LEXIS 94828 at *7 (E.D. Cal. Oct. 9, 2009). Here, Plaintiff asserts a second extension is necessary because "Plaintiff's counsel has a

heavy workload schedule and will need additional time to submit the confidential brief." (Doc. 13 at 1). Ms. Bosavanh reports: "In the next ten days, she has three days of administrative hearings out of town to prepare and attend as well as a show cause hearing at the federal courthouse in Fresno, CA on January 29, 2013." *Id.*

Notably, Plaintiff's counsel provides no explanation for her delay in preparing the confidential brief, knowing the schedule that lay before her as the amended deadline approached. Nevertheless, the Court will grant the request for a further extension of time.

Accordingly, **IT IS HEREBY ORDERED**:

1. Plaintiff's request for an extension of time is **GRANTED**; and

2. Plaintiff **SHALL** serve a confidential brief on or before **February 27, 2013**.

IT IS SO ORDERED.

Dated: **January 25, 2013**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE