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Attorneys for Plaintiff GE H. VANG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GE H. VANG) Case No.: 1:14-CV-00082-GSA
Plaintiff,)
vs.) STIPULATION TO MODIFY
CAROLYN COLVIN, Acting) BRIEFING SCHEDULE; ORDER
Commissioner of Social Security,)
Defendant)

TO THE HONORABLE GARY S. AUSTIN, MAGISTRATE JUDGE OF
THE DISTRICT COURT:

Plaintiff Ge H. Vang (“Plaintiff”) and defendant Carolyn Colvin, Acting Commissioner of Social Security (“Defendant”), through their undersigned counsel of record, hereby stipulate, subject to the approval of the Court, to modify the time for Plaintiff to file Plaintiff’s Motion for Summary Judgment or Remand to February 2, 2015; and that Defendant shall have until March 4, 2015, to file his opposition. Any reply by plaintiff will continue to be due March 10, 2015.

1 A modification of the prior agreed upon schedule is needed because
2 Plaintiff's Counsel's Spouse is receiving treatment for her Stage IV breast cancer
3 which metastasized initially to her liver and progressed to her lungs, throat, and
4 spine. Despite chemotherapy treatment, Counsel was recently informed that his
5 spouse's cancer has continued to progress with spinal tumor expanding into the
6 spinal canal and unequivocal progress of multiple tumors resulting in a massively
7 enlarged liver. In addition, on January 10, 2015, complications arising from this
8 disease process resulted in Counsel's spouse's hospitalization. Despite attempts to
9 slow the progression of the Cancer with at least 8 separate lines of chemotherapy
10 treatment Counsel's spouses' cancer has unequivocally progressed to the point
11 where her physicians have stated on January 13, 2015 that they "would be very
12 surprised to still be treating her one year from now" without some significant
13 response to treatment that has yet to occur.

14 Counsel required the additional time to file the motion for summary judgment
15 to allow him to devote the appropriate time to assist his Spouse and his two
16 elementary school aged children through this obviously stressful experience.

17 Counsel notes that the modified briefing schedule continues to require any
18 reply brief to be filed by the same March 10, 2015 date as previously set by this
19 Court. Consequently, the modification results in a reduction of time for Counsel to
20 prepare any reply and does not extend the time for this matter to be submitted to the
21 Court for decision. Counsel sincerely apologizes to the court for any
22 inconvenience this may have had upon it or its staff.

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1 DATE: January 29, 2015

Respectfully submitted,

2 LAW OFFICES OF LAWRENCE D. ROHLFING

3 /s/ *Steven G. Rosales*

4 BY: _____
Steven G. Rosales
Attorney for plaintiff GE H. VANG

5 DATED: January 29, 2015

6 BENJAMIN WAGNER
United States Attorney

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8 */S/- Jeffrey T. Chen

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10 Jeffrey T. Chen
11 Special Assistant United States Attorney
12 Attorney for Defendant
13 [*Via email authorization]
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ORDER

2 Based on the stipulation between the parties, IT IS HEREBY ORDERED
3 that Plaintiff may have a retroactive extension of time, up to and including
4 February 2, 2015, in which to file his Opening Brief; Defendant may have an
5 extension of time to file any opposition until March 4, 2015. The Opening Brief,
6 which was filed on February 2, 2015, is deemed timely filed. Any reply by Plaintiff
7 will continue to be due on or before March 10, 2015.

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IT IS SO ORDERED.

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Dated: February 3, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE