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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

CHRISTINE MCKINLEY,	)	Case No.: 1:15-cv-01078- JLT
Plaintiff,	)	ORDER GRANTING DEFENDANTS’ REQUEST
v.	)	FOR AN EXTENSION OF TIME
CAROLYN W. COLVIN,	)	(Doc. 21)
Acting Commissioner of Social Security,	)	
Defendant.	)	

On August 3, 2016, the parties filed a stipulation for a thirty-day extension of time for Defendant to file a response to Plaintiff’s opening brief. (Doc. 21) Notably, the Scheduling Order permits only a single extension by the stipulation of parties (Doc. 8 at 4), which was used by Plaintiff in seeking an extension to file the opening brief (Doc. 16). In addition, Plaintiff sought a second extension of time to file the opening brief. (Docs. 18-29) Thus, this is the third extension sought by the parties in this action.

Notably, beyond the first extension, “requests to modify [the schedule] must be made by written motion and will only be granted for good cause.” (Doc. 8 at 4) Moreover, as explained by the Ninth Circuit, 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

1 (E.D. Cal. Oct. 9, 2009).

2 Here, Defendant’s counsel Jeffrey Chen asserts the additional time is necessary “because of a  
3 very heavy workload, including an upcoming Ninth Circuit brief, and because of a planned vacation in  
4 August.” (Doc. 21 at 1) Presumably, when Mr. Chen agreed to the extensions previously requested  
5 by Plaintiff, he knew both of his pending vacation and his workload. The failure to plan accordingly is  
6 not condoned by the Court. Nevertheless, Plaintiff does not oppose the request for an extension of  
7 time. (See Doc. 21 at 2) Accordingly, **IT IS HEREBY ORDERED:**

- 8 1. Defendant’s request for an extension of time is **GRANTED**;
- 9 2. Defendant **SHALL** file a responsive brief no later than **August 26, 2016**; and
- 10 3. The parties are advised that no further extensions of time will be approved with a  
11 showing of exceptionally good cause.

12  
13 IT IS SO ORDERED.

14 Dated: August 4, 2016

/s/ Jennifer L. Thurston  
15 UNITED STATES MAGISTRATE JUDGE