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9 Attorneys for Defendant

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

11 **FRESNO DIVISION**

12 MAX M. DE VIVO

13 Plaintiff,

14 vs.

15 NANCY A. BERRYHILL,
16 Acting Commissioner of Social Security,

17 Defendant.

) Case No.: 1:15-CV-01332-EPG

)
) **JOINT STIPULATION TO MODIFY**
) **BRIEFING SCHEDULE FOR**
) **DEFENDANT’S RESPONSE TO**
) **PLAINTIFF’S MOTION FOR**
) **ATTORNEYS FEES PURSUANT TO 42**
) **U.S.C. 406(B) (DKT 30).**

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19)
20 **IT IS HEREBY STIPULATED**, by the parties, through their respective counsel of record,
21 subject to approval by the Court that the time for responding to Plaintiff’s Motion for Attorneys’
22 Fees Pursuant to 42 U.S.C. 406(b) be extended from June 11, 2018 to **June 22, 2018**. This is
23 Defendant’s first request for extension. Good cause exists to grant Defendant’s request for
24 extension. Due to an oversight and mistake in calendaring Defendant’s response time,
25 Defendant did not have sufficient time to prepare its response to Plaintiff’s Motion prior to the
26 Court deadline of June 11, 2018 (Dkt. 30). Defendant also had a Ninth Circuit appellate brief
27 due on the same date and was subsequently out of the office on June 12, 2018 and June 13, 2018.
28 Defendant respectfully requests additional time to June 22, 2018 to prepare its response, which
includes additional time for agency review. Defendant makes this request in good faith with no

1 intention to unduly delay the proceedings. The parties further stipulate that the Court's briefing
2 schedule be modified as follows:

3 Defendant's Response Due: **June 22, 2018**

4 Plaintiff's Reply Due: **July 6, 2018.**

5 Respectfully submitted,

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7 Dated: June 14, 2018

s/ *Monica Perales
(*as authorized by email on June 14, 2018)
MONICA PERALES
Attorney for Plaintiff

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11 Dated: June 14, 2018

McGREGOR W. SCOTT
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16 By /s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant U.S. Attorney
Attorneys for Defendant

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19 **ORDER**

20 IT IS SO ORDERED.

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22 Dated: **June 15, 2018**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE