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5 Attorneys for Plaintiff GILBERT MARQUEZ ACOSTA

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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 GILBERT MARQUEZ ACOSTA,) Case No.: 1:15-cv-01765-BAM
11)
Plaintiff,) STIPULATION AND ORDER TO EXTEND
12) BRIEFING SCHEDULE
vs.)
13)
CAROLYN COLVIN, Acting Commissioner)
14)
of Social Security,)
15)
Defendant)
16)

17 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE JUDGE OF
18 THE DISTRICT COURT:

19 Plaintiff Gilbert Marquez Acosta (“Plaintiff”) and defendant Carolyn Colvin, Acting
20 Commissioner of Social Security (“Defendant”), through their undersigned counsel of record,
21 hereby stipulate, pursuant to the Court’s Scheduling Order, to extend the time for Plaintiff to file
22 Plaintiff’s Opening Brief to November 4, 2016; and that Defendant shall have until December 5,
23 2016, to file her opposition, if any is forthcoming. Any reply by plaintiff will be due December
24 20, 2016.
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1 A second extension of time for plaintiff is needed in order to properly address the issues
2 within the administrative record in this matter as well as the demands arising from complications
3 related to Counsel Spouse's terminal illness which has unexpectedly worsened in the last few
4 weeks. Subsequent to a surgical procedure on July 6, 2016 to remove tumors in the spine/hip as
5 a result of stage 4 breast cancer, Counsel's spouse was not discharged until July 9, 2016 and then
6 Counsel's spouse was re-admitted to the hospital for 5 days on July 15, 2016 due to
7 complications arising from the July 6th surgery. Counsel's spouse was also admitted on August
8 1, 2016 and then discharged on August 5, 2016, to provide treatment for intractable pain related
9 to the terminal illness. Upon discharge from the hospital, due to a deterioration in her condition
10 in the last few weeks, Counsel's spouse now requires in home medical assistance 24 hours a day
11 and Counsel has been required to devote time to planning and managing the transition to end of
12 life care. Counsel required time to deal with this change in condition and has taken steps to
13 secure the at home hospice level care which his spouse now requires in order to better allow him
14 to attend to his professional obligations.

15 Counsel sincerely apologizes to the court for any inconvenience this may have had upon
16 it or its staff.

17 DATE: September 28, 2016

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ Steven G. Rosales

19 BY: _____

20 Steven G. Rosales
21 Attorney for plaintiff

22 DATE: September 29, 2016

BENJAMIN WAGNER
United States Attorney
Donna L. Calvert
Regional Chief Counsel, Region IX
Social Security Administration

25 *S/- Timothy R. Bolin
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Timothy R. Bolin
Special Assistant United States Attorney
Attorney for Defendant
[*Via email authorization]

ORDER

IT IS HEREBY ORDERED that Plaintiff may have an extension of time, to and including November 4, 2016, in which to file Plaintiff's Opening Brief; Defendant may have an extension of time to December 5, 2016 to file his opposition, if any is forthcoming. Any reply by Plaintiff will be due December 20, 2016. The Court will be accommodating to Counsel's further requests in light of the medical condition.

IT IS SO ORDERED.

Dated: September 30, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE