

1 Steven G. Rosales
2 Attorney at Law: 222224
3 Law Offices of Lawrence D. Rohlfing
4 12631 East Imperial Highway, Suite C-115
5 Santa Fe Springs, CA 90670
6 Tel.: (562)868-5886
7 Fax: (562)868-5491
8 E-mail _steven.rosales@rohlfinglaw.com

9 Attorneys for Plaintiff GILBERT MARQUEZ ACOSTA

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11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13

14 GILBERT MARQUEZ ACOSTA,) Case No.: 1:15-cv-01765-BAM
15 Plaintiff,)
16 vs.) STIPULATION AND ORDER TO
17) EXTEND BRIEFING SCHEDULE
18)
19 CAROLYN COLVIN, Acting)
20 Commissioner of Social Security,)
21 Defendant)

22 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE
23 JUDGE OF THE DISTRICT COURT:

24 Plaintiff Gilbert Marquez Acosta (“Plaintiff”) and defendant Carolyn Colvin,
25 Acting Commissioner of Social Security (“Defendant”), through their undersigned
26 counsel of record, hereby stipulate, pursuant to the Court’s Scheduling Order, to
extend the time for Plaintiff to file Plaintiff’s Opening Brief to December 12, 2016;
and that Defendant shall have until January 11, 2017, to file her opposition, if any
is forthcoming. Any reply by plaintiff will be due January 26, 2017.

1 This Court is aware that Counsel's Spouse battled Stage IV breast cancer
2 which metastasized initially to her liver and continued to progress with tumors in
3 her lungs, spine and brain. After exhausting all known chemotherapy treatments
4 over 18 months ago and surviving on willful determination and profound faith
5 alone Counsel's wife has succumbed to her illness. On September 30, 2016
6 Counsel gently held his wife as she relinquished her fight and passed away.
7 Counsel required time to deal with providing the appropriate respect to his spouse
8 and to assist his two elementary school age children return to a normal routine.
9 Counsel sincerely apologizes to the court for any inconvenience this may have had
10 upon it or its staff

11 DATE: November 16, 2016 Respectfully submitted,

12 LAW OFFICES OF LAWRENCE D. ROHLFING

13 /s/ *Steven G. Rosales*

14 BY: _____

15 Steven G. Rosales

16 Attorney for plaintiff PHILLIPS J. MONTALVO

17 DATE: November 16, 2016

18 BENJAMIN WAGNER

19 United States Attorney

20 Donna L. Calvert

21 Regional Chief Counsel, Region IX

22 Social Security Administration

23 */S/- Timothy R. Bolin

24 _____
25 Timothy R. Bolin

26 Special Assistant United States Attorney

Attorney for Defendant

[*Via email authorization]

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ORDER

Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY ORDERED, that Plaintiff shall have an extension of time, including until December 12, 2016, in which to file Plaintiff's Opening Brief. Defendant shall have an extension of time to January 11, 2017 to file his opposition, if any is forthcoming. Any reply by Plaintiff will be due January 26, 2017.

IT IS SO ORDERED.

Dated: November 22, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE