

1 PHILLIP A. TALBERT
Acting United States Attorney
2 DEBORAH LEE STACHEL
Acting Regional Chief Counsel, Region IX
3 Social Security Administration
4 CAROLYN B. CHEN, CSBN 256628
Special Assistant United States Attorney
5 160 Spear Street, Suite 800
San Francisco, California 94105
6 Telephone: (415) 977-8956
7 Facsimile: (415) 744-0134
E-Mail: Carolyn.Chen@ssa.gov
8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **FRESNO DIVISION**

12
13 KONG PENG LEE,) Case No.: 1:15-cv-01859-BAM
14 Plaintiff,)
15 vs.) STIPULATION AND ORDER FOR AN
CAROLYN W. COLVIN,) EXTENSION OF TIME OF 30 DAYS FOR
16 Acting Commissioner of Social Security,) DEFENDANT'S RESPONSE TO
17 Defendant.) PLAINTIFF'S LETTER BRIEF
18)

19 IT IS HEREBY STIPULATED, by and between the parties, through their respective
20 counsel of record, that Defendant shall have an extension of time of an additional 30 days to
21 respond to Plaintiff's letter brief dated June 27, 2016. This is the first continuance sought by
22 Defendant. The current due date is August 1, 2016. The new due date will be August 31, 2016.

23 There is good cause for this request. Defendant is seeking this extension to further
24 explore the possibility of voluntary remand. Defendant seeks additional time for the client to
25 review the case and make a determination regarding settlement. The review process is a multi-
26 step, multi-component process including the Appeals Council, which gets a high volume of
27 requests, and could take an additional three weeks.
28

1 In addition, Defendant, through her counsel, made diligent efforts to prepare her response
2 to Plaintiff's letter brief timely. However, due to Defendant's counsel pre-approved leave and a
3 crowded briefing schedule in her district court and Equal Employment Opportunity Commission
4 (EEOC) cases in the last month, she was not able to make the request for extension until today
5 and apologizes for the inconvenience.

6 Defendant requests additional time of 30 days for Defendant to fully review the
7 administrative record and research the issues presented by Plaintiff's letter brief and consider
8 settlement, or to continue litigating the case should the parties decide to not settle.

9 This request is made in good faith with no intention to unduly delay the proceedings.

10 The parties further stipulate that the Court's Scheduling Order shall be modified
11 accordingly.

12 Respectfully submitted,

13 Date: August 1, 2016

PEÑA & BROMBERG, ATTORNEYS AT LAW

14 s/ Leo Robert for Jonathan O. Peña by C.Chen*

15 (As authorized by e-mail on 8/1/2016)

16 JONATHAN O. PEÑA

Attorneys for Plaintiff

17 Date: August 1, 2016

PHILLIP A. TALBERT

United States Attorney

19 By s/ Carolyn B. Chen

20 CAROLYN B. CHEN

Special Assistant U. S. Attorney

21 Attorneys for Defendant

22
23
24
25
26
27 ///

28 ///

ORDER

1
2 Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY
3 ORDERED, that Defendant shall have a 30-day extension, or until August 31, 2016, in which to
4 file a response to Plaintiff's confidential letter brief; and that all other deadlines set forth in the
5 December 11, 2015 Case Management Order shall be extended accordingly.

6
7 IT IS SO ORDERED.

8 Dated: August 2, 2016

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE