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

12
13 DAVID KEITH MYERS,) Case No.: 1:16-cv-00430-GSA
14 Plaintiff,)
15 vs.) STIPULATION AND ORDER FOR AN
16 CAROLYN W. COLVIN,) EXTENSION OF TIME OF 60 DAYS FOR
Acting Commissioner of Social Security,) DEFENDANT’S RESPONSE TO
17 Defendant.) PLAINTIFF’S MOTION FOR SUMMARY
18) JUDGMENT

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 60 days to
21 respond to Plaintiff’s motion for summary judgment. This is the first continuance sought by
22 Defendant. The current due date is January 17, 2017. The new due date will be March 20,
23 2017.

24 There is good cause for this request. Defendant is seeking this extension due to medical
25 emergencies and workload issues. At around the time of the filing of Plaintiff’s Motion for
26 Summary Judgment, Defendant’s counsel was recovering from a medical emergency that
27 occurred Monday, October 24, 2016, that necessitated her being on leave and addressing her
28 workload deadlines that were postponed due to her leave, as well as her regular workload, when

1 she returned to work. In addition, on December 9, 2016, Defendant's counsel was rear-ended in
2 a car accident caused by another driver who did not properly stop at a traffic light. Between then
3 and the current date, Defendant's counsel has taken about three weeks of leave to recover and
4 rest and for the holiday season, and returned to the office on January 9, 2017.

5 Because of the factors described above, Defendant is requesting additional time up to and
6 including March 20, 2017, to fully review the record and research the issues presented by
7 Plaintiff's motion for summary judgment, as Defendant's counsel recovers and addresses her
8 workload upon her return. This request is made in good faith with no intention to unduly delay
9 the proceedings.

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

12 Respectfully submitted,

13 Date: January 12, 2017

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15 s/ James A. Yoro by C.Chen*
16 (As authorized by e-mail on 1/12/2017)
17 JAMES A. YORO
18 Attorneys for Plaintiff

19 Date: January 12, 2017

PHILLIP A. TALBERT
United States Attorney

20 By s/ Carolyn B. Chen
21 CAROLYN B. CHEN
22 Special Assistant U. S. Attorney

Attorneys for Defendant

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ORDER

Pursuant to the above stipulation, Defendant's Opposition shall be filed no later than **March 20, 2017**. Any Reply shall be filed within fifteen (15) days of the filing of the Opposition.

IT IS SO ORDERED.

Dated: January 13, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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