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

12
13 DAVID KEITH MYERS,) Case No.: 1:16-cv-00430-GSA
14 Plaintiff,)
15 vs.) STIPULATION AND ORDER FOR AN
16 NANCY A. BERRYHILL,) EXTENSION OF TIME OF 14 DAYS FOR
Acting Commissioner of Social Security,) DEFENDANT’S RESPONSE TO
17 Defendant.) PLAINTIFF’S MOTION FOR ATTORNEY’S
FEE UNDER EQUAL ACCESS TO
18 JUSTICE ACT (EAJA)

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20 IT IS HEREBY STIPULATED, by and between the parties, through their respective
21 counsel of record, that Defendant shall have an extension of time of an additional 14 days to
22 respond to Plaintiff’s motion for attorney’s fees under EAJA. The current due date is November
23 25, 2017 (falling on a Saturday). The new due date will be December 11, 2017.

24 There is good cause for this request. The parties are willing to engage in and have begun
25 settlement discussions, and more information is needed from Plaintiff. Plaintiff agrees to
26 provide Defendant and the court a billing statement identifying the number of hours billed and
27 the services rendered and other relevant exhibits if needed, such as those referred to in his
28 motion for attorney’s fees under EAJA (*see* Doc. Nos. 26, 27). Therefore, Defendant is

1 respectfully requesting additional time up to and including December 11, 2017, to fully review
2 all relevant information pertaining to Plaintiff's motion for attorney's fees under EAJA. The
3 parties further stipulate that Plaintiff will have an additional 15 days added to the time specified
4 in the scheduling order, for Plaintiff's reply brief, if the parties do not come to a settlement
5 agreement, in light of Plaintiff's counsel's travel during the holidays. This request is made in
6 good faith with no intention to unduly delay the proceedings.

7
8 Respectfully submitted,

9 Date: November 27, 2017

CHAIN COHN STILES

10 s/ James A. Yoro by C.Chen*

11 (As authorized by email on 11/27/2017)

12 JAMES A. YORO

13 Attorneys for Plaintiff

14 Date: November 27, 2017

PHILLIP A. TALBERT

United States Attorney

15 By s/ Carolyn B. Chen

16 CAROLYN B. CHEN

17 Special Assistant U. S. Attorney

18 Attorneys for Defendant

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ORDER

Pursuant to the parties' stipulation (Doc. 28), Defendant shall file any opposition to Plaintiff's Motion for Attorney's Fees no later than **December 11, 2017**. Any optional reply shall be filed no later than **December 26, 2017**. Alternatively, any stipulation regarding a settlement for attorney's fees shall be filed no later than **December 11, 2017**.

IT IS SO ORDERED.

Dated: November 27, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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