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5 Attorneys for Plaintiff PHILLIPS J. MONTALVO

6
7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
9

10 PHILLIPS J. MONTALVO,) Case No.: 1:16-cv-00606-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 Phillips J. Montalvo (“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
22 provide Defendant with Plaintiff’s Settlement Letter Brief to October 25, 2016; and that
23 Defendant shall have until November 29, 2016, to provide a response.

24 ///

1 This Court is aware that Counsel's Spouse battled Stage IV breast cancer which
2 metastasized initially to her liver and continued to progress with tumors in her lungs, spine and
3 brain. After exhausting all known chemotherapy treatments over 18 months ago and surviving on
4 willful determination and profound faith alone Counsel's wife has succumbed to her illness. On
5 September 30, 2016 Counsel gently held his wife as she relinquished her fight and passed away.
6 Counsel requires the time to deal with providing the appropriate respect to his spouse.

7 DATE: October 25, 2016

Respectfully submitted,

8 LAW OFFICES OF LAWRENCE D. ROHLFING

9 /s/ *Steven G. Rosales*

10 BY: _____

Steven G. Rosales

Attorney for plaintiff PHILLIPS J. MONTALVO

11 DATE: October 25, 2016

BENJAMIN WAGNER

12 United States Attorney

Donna L. Calvert

13 Regional Chief Counsel, Region IX

Social Security Administration

14 */S/- Marcelo N. Illarmo

Marcelo N. Illarmo

15 Special Assistant United States Attorney

Attorney for Defendant

16 [*Via email authorization]

17 **ORDER**

18 Having reviewed the above stipulation, IT IS HEREBY ORDERED that Plaintiff may
19 have an extension of time to provide Defendant with Plaintiff's Settlement Letter Brief to and
20 including October 25, 2016; Defendant may have an extension of time to November 29, 2016 to
21 file her response. All other deadlines set forth in the Case Management Order shall be extended
22 accordingly.

23 IT IS SO ORDERED.

24 Dated: October 27, 2016

25 /s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE

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