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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 TO EXTEND  
12 ) BRIEFING SCHEDULE  
vs. )  
13 )  
NANCY A. BERRYHILL, Acting )  
14 )  
Commissioner of Social Security, )  
15 )  
Defendant )

16  
17 TO THE HONORABLE BARBARA A. MCAULIFFE, MAGISTRATE  
18 JUDGE OF THE DISTRICT COURT:

19 Plaintiff Phillips J. Montalvo (“Plaintiff”) and defendant Nancy A. Berryhill,  
20 Acting Commissioner of Social Security (“Defendant”), through their undersigned  
21 counsel of record, hereby stipulate, pursuant to the Court’s Scheduling Order, to  
22 extend the time for Plaintiff to file Plaintiff’s Opening Brief to March 28, 2017;  
23 and that Defendant shall have until April 27, 2017, to file her opposition, if any is  
24 forthcoming. Any reply by plaintiff will be due May 12, 2017.  
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1 An extension of time for plaintiff is needed. As the Court is aware,  
2 Plaintiff's Spouse passed away on September 30, 2016. Due to the press of the  
3 holidays and the need to find a caregiver and the required time to acclimate his  
4 children to his absence to meet his professional obligations, Counsel requires the  
5 additional time to prepare and file Plaintiff's Opening Brief.

6 Counsel sincerely apologizes to the court for any inconvenience this may  
7 have had upon it or its staff.

8 DATE: February 22, 2017 Respectfully submitted,  
9 LAW OFFICES OF LAWRENCE D. ROHLFING

10 /s/ *Steven G. Rosales*  
11 BY: \_\_\_\_\_  
12 Steven G. Rosales  
Attorney for plaintiff

13 DATE: February 22, 2017 PHILLIP A. TALBERT  
14 United States Attorney  
15 Donna L. Calvert  
16 Regional Chief Counsel, Region IX  
Social Security Administration

17 \*/S/- Marcelo N. Illarmo  
18 \_\_\_\_\_  
19 Marcelo N. Illarmo  
20 Special Assistant United States Attorney  
21 Attorney for Defendant  
22 [\*Via email authorization]

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ORDER

Pursuant to the stipulation of the parties, and good cause appearing, IT IS  
HEREBY ORDERED that Plaintiff shall have an extension of time, to and  
including March 28, 2017, in which to file Plaintiff's Opening Brief; Defendant  
shall have an extension of time to April 27, 2017, to file an opposition, if any is  
forthcoming. Any reply by Plaintiff shall be filed on or before May 12, 2017.

IT IS SO ORDERED.

Dated: February 23, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE