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3 **UNITED STATES DISTRICT COURT**
4 **EASTERN DISTRICT OF CALIFORNIA**
5 **FRESNO DIVISION**

6 KEVIN GUITH,) Case No.: 1:16-CV-00625-GSA
7 Plaintiff,)
8 vs.) STIPULATION AND ORDER FOR A FIRST
9) EXTENSION OF 30 DAYS FOR
10 NANCY A. BERRYHILL¹,) DEFENDANT TO FILE HER OPPOSITION
Acting Commissioner of Social Security,) TO PLAINTIFF’S OPENING BRIEF
11 Defendant.)
12)

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14 IT IS HEREBY STIPULATED, by the parties, through their respective counsel of record,
15 that Defendant shall have an extension of time of 30 days to file her Opposition to Plaintiff’s
16 Opening Brief. The parties previously stipulated to a two-week extension for Plaintiff to file his
17 Opening Brief. This is Defendant’s first request for extension. The additional time is requested
18 due to Defendant’s counsel’s exceptionally heavy workload at this time, including two
19 employment law matters in active litigation, one pending before the pending Equal Employment
20 Opportunity Commission, and one before the Merit Systems Protection Board. In addition,
21 Defendant’s counsel has two additional district court filing deadlines due on Monday, February
22 13, 2017. The additional time requested is needed to adequately research the issues Plaintiff has
23 presented. The current due date is February 10, 2017. The new due date will be March 12,
24 2017.

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27 ¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d)
28 of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting
Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be
taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security
Act, 42 U.S.C. § 405(g).

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

3 Respectfully submitted,

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5 Dated: February 10, 2017

/s/ *Cyrus Safa
(*as authorized by email on Feb. 10, 2017)
CYRUS SAFA
Law Offices of Lawrence D. Rohlifing
Attorney for Plaintiff

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9 Dated: February 10, 2017

PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX,
Social Security Administration

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13 By: /s/ Jennifer A. Kenney
JENNIFER A. KENNEY
Special Assistant U.S. Attorney
Attorneys for Defendant

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16 **ORDER**

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18 Pursuant to the above stipulation, Defendant shall file her Opposition no later **than**
19 **March 12, 2017**. Any Reply shall be filed within fifteen (15) days of the filing of the
20 Opposition.

21 IT IS SO ORDERED.

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23 Dated: **February 13, 2017**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE