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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 BERNADINE MARTIN-BARNETT,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Acting
Commissioner of Social Security,

14 Defendant.

Case No. 1:16-CV-00780-EPG

STIPULATION AND PROPOSED ORDER
MODIFYING SCHEDULING ORDER

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16 IT IS HEREBY STIPULATED by and between the parties, subject to the Court's approval, that
17 the scheduling order in this action be modified to extend the parties deadline by roughly 45 days.
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19 Modification is necessary, appropriate and in the interests of judicial economy because after the
20 exchange of letter briefs, plaintiff's counsel became aware of additional medical records which he
21 believes constitutes new and material evidence warranting remand under 42 U.S.C. § 405(g),
22 sentence six; such records have been provided for review by the Commissioner of Social Security,
23 whose review is ongoing; and, following such review, this action may be appropriate for remand by
24 stipulation. To provide adequate time for the Commissioner to complete her review of the additional
25 medical records and in light of the numerous upcoming holidays the parties believe that a roughly 45
26 day extension of the deadlines under the current scheduling order is appropriate and agree that such
27 an extension is not prejudicial to either party.
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Accordingly, the parties agree to and request modification of the existing scheduling order to the following:

November 17, 2017: Parties to file and serve stipulation to remand, if resolved.

1 December 11, 2017: Plaintiff to file and serve motion for summary judgment.
2 January 8, 2018: Defendant to file and serve cross-motion for summary judgment.
3 January 22, 2018: Plaintiff to file and serve response to cross-motion.

4 SO STIPULATED AND AGREED:

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6 Dated: October 25, 2017

WEEMS LAW OFFICES

7 */s/ Robert C. Weems*

8 Robert C. Weems,
Attorney for Plaintiff

9 Dated: October 25, 2017

10 PHILLIP A. TALBERT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration
11 TINA NAICKER
12 Special Assistant United States Attorney

13 */s/Tina Naicker*

14 TINA NAICKER
Special Assistant United States Attorney and
Attorney for Defendant (per e-mail
15 authorization)
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1 ORDER

2 Pursuant to the parties' stipulation, the Court finds good cause for the following modifications to
3 the existing scheduling order:

- 4 November 17, 2017: Parties to file and serve stipulation to remand, if resolved.
5 December 11, 2017: Plaintiff to file and serve motion for summary judgment.
6 January 8, 2018: Defendant to file and serve cross-motion for summary judgment.
7 January 22, 2018: Plaintiff to file and serve response to cross-motion.

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9 IT IS SO ORDERED.

10 Dated: October 25, 2017

11 /s/ Eric P. Groj
12 UNITED STATES MAGISTRATE JUDGE
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