

1 PHILIP A. TALBERT  
United States Attorney  
2 DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
3 Social Security Administration  
ADAM LAZAR, CSBN 237485  
4 Special Assistant United States Attorney  
5 160 Spear Street, Suite 800  
San Francisco, California 94105  
6 Telephone: (415) 268-5601  
7 Facsimile: (415) 744-0134  
E-Mail: adam.lazar@ssa.gov

8 Attorneys for Defendant  
9

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

12  
13 DENZEL JOLIFF, ) Case No.: 1:16-cv-01058-BAM  
14 Plaintiff, )  
15 vs. ) **JOINT STUPULATION AND ORDER**  
16 NANCY A. BERRYHILL, ) **FOR EXTENSION OF TIME**  
Acting Commissioner of Social Security, )  
17 Defendant. )  
18

19  
20 Defendant Nancy A. Berryhill, Acting Commissioner of Social Security (“Defendant”)  
21 respectfully requests that the Court extend the time for Defendant to file her Opposition to  
22 Plaintiff’s Opening Brief, due on June 12, 2017, by 30 days, through and including July 12,  
23 2017. This is the Commissioner’s second request for an extension of time in this matter.

24 Good cause exists for this request. Counsel for Defendant was married on June 24,  
25 which caused significant additional pressure on counsel’s schedule, in combination with a Ninth  
26 Circuit answering brief, another summary judgment motion, an EAJA opposition, and a motion  
27 to remand. Counsel has an oral merits hearing and an additional three summary judgment  
28 motions due in the next two weeks, further necessitating this request for an extension.

1 This request is made in good faith with no intention to unduly delay the proceedings.  
2 Counsel's office conferred with Plaintiff's counsel, who had no objection to this request, on June  
3 27, 2017.

4  
5 Respectfully submitted,

6 Dated: June 27, 2017

7 PHILIP A. TALBERT  
8 United States Attorney  
9 DEBORAH LEE STACHEL  
10 Regional Chief Counsel, Region IX  
11 Social Security Administration

12 By: /s/ Adam Lazar  
13 ADAM LAZAR  
14 Special Assistant U.S. Attorney  
15 Attorneys for Defendant

16 **ORDER**

17 Defendant's opposition brief was due on or before June 12, 2017. (Doc. 12.) However,  
18 Defendant did not file a timely opposition, and the instant request for an extension of time also is  
19 untimely. (Doc. 13.)

20 Pursuant to Local Rule 144, counsel is required to seek a necessary extension of time "as  
21 soon as the need ...becomes apparent," and requests for Court-approved extensions brought on  
22 or after the required filing date "are looked upon with disfavor." L. R. 144(d). Although defense  
23 counsel cites a June 24 wedding and deadlines in other cases, counsel provides no explanation as  
24 to why the requested extension of time could not be sought prior to June 12, 2017, or prior to  
25 counsel's wedding. The Court thus does not find the required good cause for the requested  
26 extension of time.

27 Nonetheless, given both the stipulation of the parties and the interest in resolving cases  
28 on their merits, Defendant shall be granted an extension of time to July 12, 2017, in which to file  
an opposition to Plaintiff's opening brief. All other deadlines set forth in the Court's Scheduling

1 Order shall be modified accordingly. **No further extensions of time shall be granted absent a**  
2 **showing of good cause.**

3  
4 IT IS SO ORDERED.

5 Dated: June 30, 2017

/s/ Barbara A. McAuliffe  
6 UNITED STATES MAGISTRATE JUDGE