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9 Attorneys for Defendant

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

12 ) Case No.: 1:16-cv-01341-BAM  
13 )  
14 ANTONIO GUTIERREZ, ) STIPULATION AND ORDER FOR A FIRST  
15 ) EXTENSION OF TIME  
16 )  
17 Plaintiff, )  
18 v. )  
19 NANCY A. BERRYHILL,<sup>1</sup> )  
Acting Commissioner of Social Security, )  
20 Defendant.

21 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
22 counsel of record, that the time for responding to Plaintiff's Confidential Letter Brief be  
23 extended from April 24, 2017 to May 24, 2017. This is Defendant's first request for an  
24 extension of time to respond to Plaintiff's letter. Defendant respectfully requests this additional

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26 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d)  
27 of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting  
28 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 time because Defendant's counsel has a higher than normal workload. In addition, Defendant's  
2 counsel was on leave from April 14, 2017 to April 17, 2017.

3 The parties further stipulate that the Court's Scheduling Order shall be modified  
4 accordingly:

- 5 • In the event the parties stipulate to a remand to the Commissioner, the stipulation shall be  
6 filed with the Court WITHIN fifteen (15) days after respondent serves his response on  
7 appellant, on or before June 8, 2017.
- 8 • In the event respondent does not agree to a remand, within thirty (30) days of service of  
9 respondent's response, on or before June 23, 2017, appellant shall file and serve an  
10 opening brief with the court and on respondent.
- 11 • Respondent's responsive brief shall be filed with the court and served on appellant within  
12 thirty (30) days after service of appellant's opening brief, on or before July 23, 2017.
- 13 • Appellant's reply brief shall be filed with the court and served on respondent within  
14 fifteen (15) days after service of respondent's brief, on or before August 7, 2017.

15 Respectfully submitted,

16 Dated: April 21, 2017

/s/ Melissa Newel  
(\*as authorized via e-mail on 4/20/17)  
MELISSA NEWEL  
Attorney for Plaintiff

18 Dated: April 21, 2017

19 PHILLIP A. TALBERT  
20 United States Attorney  
21 DEBORAH LEE STACHEL  
22 Acting Regional Chief Counsel, Region IX  
23 Social Security Administration

24 By: /s/ Marcelo Illarmo  
25 MARCELO ILLARMO  
26 Special Assistant United States Attorney

27 Attorneys for Defendant  
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ORDER

Pursuant to the stipulation of the parties, and good cause appearing, Defendant shall have an extension of time to May 24, 2017, in which to respond to Plaintiff's Confidential Letter Brief. Additionally, the Court's Scheduling Order shall be modified as follows:

- (1) In the event the parties stipulate to a remand to the Commissioner, the stipulation shall be filed with the Court WITHIN fifteen (15) days after respondent serves his response on appellant, on or before June 8, 2017.
- (2) In the event respondent does not agree to a remand, within thirty (30) days of service of respondent's response, on or before June 23, 2017, appellant shall file and serve an opening brief with the court and on respondent.
- (3) Respondent's responsive brief shall be filed with the court and served on appellant within thirty (30) days after service of appellant's opening brief, on or before July 23, 2017.
- (4) Appellant's reply brief shall be filed with the court and served on respondent within fifteen (15) days after service of respondent's brief, on or before August 7, 2017.

IT IS SO ORDERED.

Dated: April 21, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE