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8 Attorneys for Defendant

9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA**  
11 **FRESNO DIVISION**

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13 NICK ANGELO SPALLIERO,  
14 Plaintiff,  
15 vs.  
16 NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,  
17 Defendant.  
18

) Case No.: 1:16-CV-01387-BAM

) **JOINT STIPULATION AND ORDER FOR**  
) **EXTENSION OF TIME FOR**  
) **DEFENDANT TO RESPOND TO**  
) **PLAINTIFF'S MOTION FOR SUMMARY**  
) **JUDGMENT**

19  
20 IT IS HEREBY STIPULATED, by the parties, through their respective counsel of record,  
21 that the time for responding to Plaintiff's Motion for Summary Judgment be extended for  
22 approximately one week from August 7, 2017 to **August 14, 2017**. This is Defendant's third  
23 request for extension. Good cause exists to grant Defendant's request for extension. Additional  
24 time is required as counsel for Defendant (Counsel) is currently experiencing debilitating  
25 migraines, which impairs her vision. Counsel was also admitted into the emergency room over  
26 the weekend and could not work as she anticipated. Counsel for Defendant apologizes for the  
27 belated request for extension, but did not anticipate seeking additional time due to her  
28 debilitating migraines and subsequent hospital admission. Defendant respectfully requests

1 additional time in order to adequately assess and respond to Plaintiff's Motion. Defendant  
2 makes this request in good faith with no intention to unduly delay the proceedings. The parties  
3 further stipulate that the Court's Scheduling Order shall be modified accordingly.

4  
5 Dated: August 7, 2017

Respectfully submitted,  
/s/ \*Cyrus Safa  
(\*as authorized by email on August 7, 2017)  
CYRUS SAFA  
Attorney for Plaintiff

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7  
8 Dated: August 7, 2017

PHILLIP A. TALBERT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration  
By /s/ Tina L. Naicker  
TINA L. NAICKER  
Special Assistant U.S. Attorney  
Attorneys for Defendant

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15 **ORDER**

16 Based upon the stipulation of the parties, and for cause shown, IT IS HEREBY  
17 ORDERED, that Defendant shall have an additional seven-day extension of time, to and  
18 including **August 14, 2017**, in which to file a response to Plaintiff's Motion for Summary  
19 Judgment; and that all other deadlines set forth in the Court's Scheduling Order shall be  
20 extended accordingly.

21 IT IS SO ORDERED.

22  
23 Dated: **August 8, 2017**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE