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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EVANGELINA MARTINEZ PERALES,) Case No.: 1:17-cv-1353 - JLT
))
) Plaintiff,) ORDER GRANTING DEFENDANT’S MOTION
)) FOR AN EXTENSION OF TIME
) v.))
)) (Doc. 22)
NANCY A. BERRYHILL,))
Acting Commissioner of Social Security,))
))
) Defendant.))

Defendant seeks an extension of 43 days to file a response to Plaintiff’s opening brief. (Doc. 22) The Scheduling Order allows for a single extension of thirty days by the stipulation of the parties (Doc. 5 at 4), which was previously used by Plaintiff in this action. (Docs. 17, 18) Beyond the single extension by stipulation, “requests to modify [the scheduling] order must be made by written motion and will be granted only for good cause.” (Doc. 5 at 4) Accordingly, the Court must determine whether good cause supports the request for an additional extension of time.

Defendant asserts that the extension is necessary because Tina Naiker, Defendant’s counsel, was “out of the office on intermittent bereavement and medical leave and was unable to adequately review the transcript and address the issues in Plaintiff’s Motion.” (Doc. 22 at 1-2) In addition, Ms. Naiker reports that she “has over 75+ pending active matters of which currently requires two or more dispositive motions per week until October, in addition to several civil rights matters, a pending Ninth Circuit, and a representative misconduct matter.” (*Id.* at 2) Further, Plaintiff does not oppose the

1 requested extension of time (*id.* at 2; Naiker Decl. ¶ 5), and it does not appear Plaintiff would suffer any
2 prejudice through the delay.

3 Based upon the information provided and good cause appearing, the Court **ORDERS**:

- 4 1. Defendant's request for an extension is **GRANTED**;
- 5 2. Defendant **SHALL** file a response to the opening brief no later than **October 30, 2018**;
- 6 3. Any reply by Plaintiff **SHALL** be filed no later than **November 19, 2018**; and
- 7 4. The parties are advised that no further extensions of time will be granted absent a
8 showing of exceptionally good cause.

9
10 IT IS SO ORDERED.

11 Dated: September 17, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE