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8 Attorneys for Defendant

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

12
13 DALILA BARAJAS,

14 Plaintiff,

15 vs.

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

17 Defendant.
18

) Case No.: 1:17-cv-01551-BAM

) **AMENDED JOINT STIPULATION AND**
) **ORDER FOR EXTENSION OF TIME**
) **FOR DEFENDANT TO RESPOND**

19 IT IS HEREBY STIPULATED, by the parties, through their respective counsel of record, that
20 the time for responding to Plaintiff's Opening Brief be extended from November 8, 2018 to
21 **December 28, 2018**. This is Defendant's first request for extension.¹ Good cause exists to grant
22 Defendant's request for extension. Counsel has chronic migraines and has had a migraine since
23 Thursday last week with little relief. Counsel's migraines impair her vision. In addition,
24 Counsel was out on intermittent sick leave from her migraines and the flu/acute pneumonia for
25 the past three weeks. Counsel also has over 85+ pending social security cases, which require two

26
27 ¹ Defendant filed a stipulation on November 7, 2018 with a date for December 11, 2018 as the new deadline (Dkt.
28 21). However, Counsel needs additional time as Counsel did not adequately account for her upcoming leave in early
December, as well as leave during the Christmas holiday season. Defendant respectfully requests December 28,
2018 as the new deadline date.

1 or more dispositive motions a week until late December, as well as a pending Ninth Circuit case,
2 and several civil rights matters that require immediate investigation. Due to current workload
3 demands and unanticipated leave, Counsel needs additional time to adequately review the
4 transcript and properly respond to Plaintiff's Motion for Summary Judgment. Counsel
5 apologizes for the belated request, but did not anticipate taking additional leave due to her
6 migraines and sickness. Counsel made this request as soon as practicable. The parties further
7 stipulate that the Court's Scheduling Order shall be modified accordingly. Defendant makes this
8 request in good faith with no intention to unduly delay the proceedings.

9 Respectfully submitted,

10 Dated: November 8, 2018

11 /s/ *Melissa Newel
12 (*as authorized by email on November 7, 2018)
13 MELISSA NEWEL
14 Attorney for Plaintiff

15 Dated: November 8, 2018

16 MCGREGOR W. SCOTT
17 United States Attorney
18 DEBORAH LEE STACHEL
19 Regional Chief Counsel, Region IX
20 Social Security Administration

21 By /s/ Tina L. Naicker
22 TINA L. NAICKER
23 Special Assistant U.S. Attorney
24 Attorneys for Defendant

25 **ORDER**

26 Pursuant to the parties' amended stipulation, and for cause shown, IT IS HEREBY
27 ORDERED that Defendant is granted an extension of time to December 28, 2018, to serve and
28 file a response to Plaintiff's Opening Brief. All other deadlines in the Court's Scheduling Order

1 are modified accordingly. However, the parties are cautioned that further extensions of time will
2 not be granted in this action absent a demonstrated showing of good cause.

3
4 IT IS SO ORDERED.

5 Dated: November 9, 2018

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