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8 Attorneys for Defendant

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

12
13 DAVID TUUPOINA,)
14 Plaintiff,)
15 vs.)
16 NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
17 Defendant.)
18

Case No.: 1:18-cv-01320-GSA

**JOINT STIPULATION AND ORDER FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S OPENING BRIEF.**

19
20 IT IS HEREBY STIPULATED, by the parties, through their respective counsel of record,
21 that the time for Defendant to respond to Plaintiff's Opening Brief be extended from October 3,
22 2019 to **October 7, 2019**. This is Defendant's fourth request for extension. Good cause exists
23 to grant Defendant's request for extension. Counsel for Defendant (Counsel) has been out of the
24 office on intermittent sick leave due to her ongoing health issues. Counsel apologizes for the
25 belated request for extension, but has been out of the office due to her chronic migraines, which
26 cause severe vision impairment. Counsel cannot control the duration and onset of her migraines
27 and did not anticipate taking additional leave at the time of the last request for extension.

28 Counsel continues to have severe migraine symptoms and despite due diligence, cannot finalize
JS for Extension of Time and PO

Case No. 1:18-cv-01320-GSA

1 Defendant's response. Due to unanticipated leave, Counsel respectfully requests additional time
2 to adequately review the transcript and properly respond to Plaintiff's Motion for Summary
3 Judgment. The parties further stipulate that the Court's Scheduling Order shall be modified
4 accordingly. Defendant makes this request in good faith with no intention to unduly delay the
5 proceedings. Counsel apologizes for the belated request, but made her request as soon as
6 reasonably practicable following her leave.

7
8
9 Respectfully submitted,

10 Dated: October 4, 2019

/s/ Kelsey Brown
(*as authorized by email on October 4, 2019)
KELSEY BROWN
Attorney for Plaintiff

13 Dated: October 4, 2019

MCGREGOR W. SCOTT
United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX
Social Security Administration

17 By

/s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant U.S. Attorney
Attorneys for Defendant

21 IT IS SO ORDERED.

22 Dated: October 7, 2019

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE