

PHILLIP A. TALBERT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration  
S. WYETH McADAM  
Special Assistant United States Attorney  
160 Spear Street, Suite 800  
San Francisco, California 94105  
Telephone: (415) 268-5610  
Facsimile: (415) 744-0134  
E-Mail: Wyeth.McAdam@ssa.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

DEBORAH CHERNICK,	) Case No.: 1:19-cv-00160-JDP
	)
Plaintiff,	) <b>UNOPPOSED MOTION FOR</b>
	) <b>DEFENDANT TO FILE PROOF OF</b>
vs.	) <b>SERVICE OF A LATE RESPONSE TO</b>
	) <b>PLAINTIFF'S CONFIDENTIAL LETTER</b>
ANDREW SAUL,	) <b>BRIEF; STIPULATION FOR NEW</b>
Commissioner of Social Security,	) <b>BRIEFING SCHEDULE; AND</b>
	) <b>ORDER</b>
Defendant. <sup>1</sup>	)
	)
	)

Defendant moves to file proof of service of a late response to Plaintiff's confidential letter brief that was due yesterday, September 2, 2019. On September 3, 2019, counsel for Defendant realized she had inadvertently miscalendered the briefing schedule for this case and reached out to Plaintiff's counsel, who does not object to Defendant filing proof of service of a late response to his client's confidential letter brief. In the interest of saving time, Defendant filed proof of service of Defendant's late response to Plaintiff's letter brief concurrent with this unopposed motion. This

---

<sup>1</sup> Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). *See also* section 205(g) of the Social Security Act, 42 USC 405(g)(action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

1 request is made in good faith with no intention to delay unduly the proceedings. Counsel for  
2 Defendant apologizes for her calendaring error.

3 Counsel for the parties met and conferred about a new briefing schedule that is consistent  
4 with the court's Scheduling Order dated February 15, 2019. *See* Dkt. No. 4. IT IS HEREBY  
5 STIPULATED, by and between the parties, by and through their respective counsel of record, that,  
6 with the Court's approval, Plaintiff shall have an extension of time to file and serve her Opening  
7 brief. The new date will be October 11, 2019. Defendant shall have until November 11, 2019 to  
8 file his responsive brief. Plaintiff shall have until November 26, 2019 to file her reply.

9  
10 Respectfully submitted,

11 Dated: September 3, 2019

PHILLIP A. TALBERT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration

14  
15 By: /s/ S. Wyeth McAdam  
16 S. WYETH MCADAM  
Special Assistant United States Attorney  
Attorneys for Defendant

18 /s/ Matthew Franklin Holmberg\*  
19 MATTHEW FRANKLIN HOLMBERG  
20 LAW OFFICES OF LAWRENCE D. ROHLFING  
Attorneys for Plaintiff  
21 (\*As authorized via e-mail on September 3, 2019  
22  
23  
24  
25  
26  
27  
28

**ORDER**

The parties' stipulation is accepted. Plaintiff shall have until October 11, 2019, to file an opening brief. Defendant shall have until November 11, 2019, to file a response brief. Plaintiff shall have until November 26, 2019 to file a reply.

IT IS SO ORDERED.

Dated: October 9, 2019

  
UNITED STATES MAGISTRATE JUDGE

No. 205