

1 JONATHAN O. PENA, ESQ.
2 CA Bar ID No. 278044
3 Peña & Bromberg, PLC
4 2440 Tulare St., Suite 320
5 Fresno, CA 93721
6 Telephone: 559-412-5390
7 Fax: 866-282-6709
8 info@jonathanpena.com
9 Attorney for Plaintiff

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 RAYMOND MARIN,¹
13 Plaintiff,
14 vs.

15 KILOLO KIJAKAZI,
16 Acting Commissioner of Social Security,
17 Defendant.

18 Case No. 1:20-cv-01419-NONE-BAM
19 UNOPPOSED MOTION FOR SECOND
20 EXTENSION OF TIME TO FILE
21 PLAINTIFF’S OPENING BRIEF

22 Plaintiff moves for a 40-day extension of time from July 14, 2021 to August 23, 2021, to
23 serve on defendant with Plaintiff’s Opening Brief. All other dates in the Court’s Scheduling
24 Order shall be extended accordingly.

25 This is Plaintiff’s second request for an extension of time. Good cause exists. On May
26 24, 2021, Plaintiff requested a 30-day extension, until July 14, 2021, to serve defendant with his
27 Opening Brief. (ECF# 17) On May 26, 2021, the Court granted the extension. (ECF# 19)

28 For the weeks of July 12, 19, and 26, Counsel for the Plaintiff has nine to 11
administrative hearings per week, numerous confidential letter briefs and merit briefs. Counsel
has received an influx of certified administrative records in other cases in all four US District

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Courts in California, which were previously stayed due to the COVID-19 pandemic requiring
2 letter briefs or merit briefs within the next 30 -45 days. Additionally, Counsel for the Plaintiff
3 has received an unusual increase in the number of cases denied by the appeals council which
4 triggers the 60-day deadline for review and filing in US District Court.

5 Counsel is making arrangements with an increase of additional support staff with
6 increased hours to accommodate the influx of work. However, for this deadline, Counsel
7 requires additional time to brief this matter.

8 This request is made in good faith. Counsel apologizes to the Defendant and Court for
9 any inconvenience this may cause.

10
11 Respectfully submitted,

12 Dated: July 14, 2021

PENA & BROMBERG, ATTORNEYS AT LAW

13
14 By: /s/ Jonathan Omar Pena
15 JONATHAN OMAR PENA
16 Attorneys for Plaintiff

17 Dated: July 14, 2021

18 PHILLIP A. TALBERT
19 Acting United States Attorney
20 DEBORAH LEE STACHEL
21 Regional Chief Counsel, Region IX
22 Social Security Administration

23 By: */s Chantal Jenkins
24 Chantal Jenkins
25 Special Assistant United States Attorney
26 Attorneys for Defendant
27 (*As authorized by email on July 14, 2021)
28

1
2 **ORDER**

3 Pursuant to the Parties stipulation², and good cause appearing, the Court HEREBY
4 GRANTS the request. The Plaintiff shall file the Confidential Letter Brief no later than August
5 23, 2021. All other dates in the Court’s Scheduling Order (Doc. No. 5.) shall be extended
6 accordingly.

7 IT IS SO ORDERED.

8 Dated: July 15, 2021

9 /s/ Barbara A. McAuliffe
10 UNITED STATES MAGISTRATE JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 ² The Court construes the unopposed motion as a stipulation, as both Parties agreed and signed the unopposed motion.