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

MICHAEL B. LEWIS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-01243-DAD-SAB

ORDER RE: STIPULATED MOTION TO  
MODIFY SCHEDULING ORDER

(ECF Nos. 11, 12)

On May 9, 2022, the parties submitted a stipulated request for an extension of time, which the Court construes as a stipulated motion to modify the scheduling order. (ECF No. 12.) The parties seek a sixty-day extension of time to file Plaintiff’s opening brief from May 16, 2022, to July 15, 2022. The parties proffer good cause exists for the following reasons: (1) counsel underwent major orthopedic surgery on March 17, 2022, is dealing with post-operation pain and secondary effects of medications, and is working shorter periods throughout the day with significant breaks throughout, and is undergoing twelve weeks of physical therapy for four days per week; (2) Social Security filings in federal court have increased due to an increase in appeals council decisions, an increase in hearings at the administrative levels, and delays in production of transcripts resulting from shelter-in-place mandates and Court-ordered stays due to the pandemic; and as a result counsel has received a “greater-than-usual” number of answers and certified administrative records from Defendant, including over fifty-six cases in February and

1 March 2022; (3) counsel for Plaintiff has twenty merit briefs due during the weeks of May 2 and  
2 May 9, 2022, along with several letter briefs and reply briefs; and (4) another attorney with the  
3 firm, Dolly Trompeter, is currently out of state due to her father's medical condition and as a  
4 result counsel has taken on additional matters compounding his need for an extension. (Id. at 1–  
5 2.) While the Court is typically more inclined to grant a thirty-day extension than the sixty-day  
6 extension requested here, the Court is sufficiently satisfied that good cause exists to grant the  
7 requested extension.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The parties' stipulated motion to modify the schedule (ECF No. 12) is  
10 GRANTED;
- 11 2. Plaintiff shall have until **July 15, 2022**, to file the opening brief; and
- 12 3. All remaining deadlines as set forth in the amended scheduling order (ECF No.  
13 11) shall be modified accordingly.

14 IT IS SO ORDERED.

15 Dated: May 10, 2022

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18 UNITED STATES MAGISTRATE JUDGE  
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