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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 PHILIP NICOLA,

13 Plaintiff,

14 v.

15 MICHAEL J. ASTRUE,
 16 Commissioner of
 Social Security,

17 Defendant.

CIVIL NO. 2:08-cv-01662 GGH

STIPULATION AND ORDER

18 _____)
 19 The parties hereby stipulate by counsel, with the Court's approval as indicated by issuance of the
 20 attached Order, that Defendant shall have a FIRST extension of time of 31 days, up to and including
 21 February 8, 2009, to respond to Plaintiff's motion for summary judgment. This request is due to a heavy
 22 work load. In the month of December and first two weeks of January, the undersigned counsel for the
 23 Commissioner has been responsible for filings in approximately 27 cases in four jurisdictions plus a
 24 mediation conference and oral argument in the Ninth Circuit. Due to this work load, counsel cannot

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1 complete the Commissioner's brief within the original time frame.

2 The parties further stipulate that the Court's Scheduling Order shall be modified accordingly.

3 Respectfully submitted,

4 Dated: January 8, 2010

/s/ Bess Brewer
(As authorized via email)
BESS BREWER
Attorney for Plaintiff

7 Dated: January 8, 2010

BENJAMIN WAGNER
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

/s/ Elizabeth Firer
ELIZABETH FIRER
Special Assistant U.S. Attorney

Attorneys for Defendant

14 ORDER

15 APPROVED AND SO ORDERED.

18 DATED: January 12, 2010

/s/ Gregory G. Hollows

19 _____
GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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