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

16 **SACRAMENTO DIVISION**

17 DONNA COOPER,) CIVIL NO. 2:08-CV-01859-KJM
18 Plaintiff,)
19 v.) STIPULATION AND ORDER
20 MICHAEL J. ASTRUE,)
21 Commissioner of)
22 Social Security,)
23 Defendant.)

24 The parties hereby stipulate by counsel, with the Court's approval as indicated by issuance of the
25 attached Order, that Defendant shall have a SECOND extension of time of 34 days, up to and including
26 September 18, 2009, to respond to Plaintiff's motion for summary judgment. This request is due to an
27 inadvertent calendaring error. The Commissioner had been previously granted an extension until August
28 15, 2009. Unfortunately, the undersigned attorney for the Commissioner did not properly re-calendar the
due date. In the past several months, the undersigned attorney for the Commissioner has experienced an
extremely heavy work load due to the departure or extended absence of 8 senior attorneys in the
Commissioner's office and a massive reassigning of cases. During this time period, the case tracking
system used by the Commissioner was unreliable due to a nationwide overhaul. In this confusion, the
undersigned attorney for the Commissioner did not notice that this brief had not been completed and

1 filed. Most of the senior attorneys who had been on leave have returned, and 8 attorneys have been hired
2 so the heavy individual work loads in the Commissioner's regional office should diminish in the near
3 future; thus reducing the need for extensions.

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

5 Respectfully submitted,

6 Dated: September 8, 2009

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

9 Dated: September 8, 2009

LAWRENCE G. BROWN
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12 */s/ Elizabeth Firer*
13 ELIZABETH FIRER
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15 Attorneys for Defendant

16 ORDER

17 APPROVED AND SO ORDERED.

19 DATED: September 8, 2009.

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21 U.S. MAGISTRATE JUDGE