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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 MAYA SULLIVAN, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. )  
 )  
 15 MICHAEL J. ASTRUE, )  
 Commissioner of )  
 16 Social Security, )  
 )  
 17 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 2:09-CV-01280 EFB

MOTION FOR EXTENSION OF TIME AND ORDER

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 19 Defendant, through his undersigned attorney, moves for a FIRST extension of 25 days until May  
 20 18, 2010, in which to respond to Plaintiff’s opening brief. On Friday, April 23, 2010, the undersigned  
 21 attorney for the Commissioner was in the process of completing the Commissioner’s cross-motion for  
 22 summary judgment when she experienced a computer crisis – an entire folder of briefs and other  
 23 pleadings disappeared from her personal drive. While the folder pertained to Northern District of  
 24 California cases, Counsel had to stop working on this case in order to assist in finding what amounts to  
 25 over 6 years of work. The computer problem occurred late in the day and at a time when the  
 26 undersigned is about to leave the office for a two-week absence from April 26 through May 10, 2010.  
 27 At the time of this filing, the missing folder has not been located and Counsel is unable to stay later in  
 28 the office to finish the Commissioner’s motion before her departure.

1 As it was late on a Friday when the undersigned encountered this problem and Plaintiff's counsel  
2 is in the Central Time Zone, the undersigned was unable to contact Plaintiff's counsel in order to secure  
3 a stipulated response. Counsel apologizes to the Court for the inconvenience and respectfully requests  
4 an extension of time until May 18, 2010 in which to file the Commissioner's response to Plaintiff's  
5 opening brief.

6 Respectfully submitted,

7 Dated: April 23, 2010

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

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

13 Attorneys for Defendant

14 ORDER

15 APPROVED AND SO ORDERED.

16 DATED: April 26, 2010.

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18 EDMUND F. BRENNAN  
19 UNITED STATES MAGISTRATE JUDGE  
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