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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 PATRICK DUPREE,)
)
 13 Plaintiff,)
)
 14 v.)
)
 15 MICHAEL J. ASTRUE,)
 Commissioner of)
 16 Social Security,)
)
 17 Defendant.)
 _____)

CIVIL NO. 2:09-CV-01487 KJN

STIPULATION AND PROPOSED 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 SECOND extension of time of 28 days, up to and including
 21 May 14, 2010, to respond to Plaintiff's motion for summary judgment. This extension is being
 22 requested because the undersigned counsel for the Commissioner needs additional time to consult with
 23 her client about the possibility of voluntarily remanding this matter. Counsel had almost completed the
 24 Commissioner's response to Plaintiff' motion for summary judgment on Friday, April 16, before she
 25 became aware of a serious problem with the ALJ's decision; counsel apologizes for not having
 26 discovered the error earlier. The undersigned needs 28 days because she will be out of the office from
 27 April 26 through May 7, 2010 and will not be able to complete the voluntary remand process before that
 28 absence.

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

2 Respectfully submitted,

3 Dated: April 19, 2010

/s/Peter Brixie
(As authorized via telephone)
PETER BRIXIE
Attorney for Plaintiff

6 Dated: April 19, 2010

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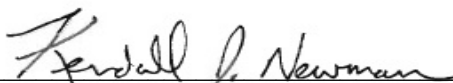
/s/Elizabeth Firer
ELIZABETH FIRER
Special Assistant U.S. Attorney

11 Attorneys for Defendant

13 ORDER

14 APPROVED AND SO ORDERED.

16 DATED: April 21, 2010

19 
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE