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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 GLENDA A. GERMAN,
12 Plaintiff,
13 vs.
14 MICHAEL J. ASTRUE,
Commissioner of Social Security,
15 Defendant

CASE NO.: 2:09-CV-02976-CMK

**STIPULATION AND ORDER STRIKING
CERTAIN CITATIONS FROM
PLAINTIFF’S OPENING AND REPLY
BRIEFS**

18 The parties hereby stipulate through counsel, with the Court’s approval as indicated by issuance
19 of the attached Order, to strike any and all references, citations, discussions of, or other materials
20 submitted by plaintiff which refer to unpublished legal opinions issued prior to January 1, 2007 in
21 violation of Ninth Circuit Rule 36-3(c).

22 Specifically, the parties agree to strike lines 8 through 22 of page 23 of Plaintiff’s Memorandum
23 in Support of Motion for Summary Judgment and/or Remand on the Pleadings, as well as the reference
24 to that case contained in the Table of Cases, p. iv, line 21.

25 The parties similarly agree to strike the case citation contained within lines 26 and 27 of page 1
26 and the first case cited in lines 15 and 16 of page 8 of Plaintiff’s Reply to Defendant’s Cross-Motion for
27 Summary Judgment in so far as those materials cite, quote and/or discuss unpublished opinions
28 prohibited from citation by Rule 36-3(c).

1 Further, the parties agree to strike "Exhibit B" attached to plaintiff's Appendix of Unpublished
2 Opinions and any other references to that unpublished opinion contained in that appendix.

3 Finally, plaintiff's counsel concedes that the citations and materials noted above violated Ninth
4 Circuit Rule 36-3(c) and apologizes to both the Court and defendant for any inconvenience caused by
5 this mistake. The violation of that Rule was not intentional nor an attempt to mislead or confuse the
6 court or opposing counsel.

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8 Respectfully submitted this 6th day of December, 2010.

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10 Respectfully submitted,

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12 Dated: December 2, 2010

/s/ Stephen A. Valizan
STEPHEN A. VALIZAN, ESQ.
Attorney for Plaintiff

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15 Dated: December 4, 2010

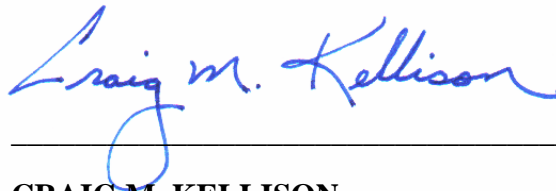
BENJAMIN B. WAGNER
United States Attorney

/s/ Brenda M. Pullin
(As authorized via email)
BRENDA M. PULLIN
Attorneys for Defendant

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20 **ORDER**

21 APPROVED AND SO ORDERED.

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23 DATED: DECEMBER 8, 2010

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26 **CRAIG M. KELLISON**

27 UNITED STATES MAGISTRATE JUDGE