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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 JOHN JOHNSON,

13 Plaintiff,

14 v.

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

17 Defendant.

CIVIL NO. 2:09-CV-03395 CMK

STIPULATION AND ORDER

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 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 14 days, up to and including
 21 January 12, 2010, to respond to Plaintiff's motion for summary judgment. This Court had previously
 22 granted and extension to December 29, 2010. This second request is being made because, counsel for
 23 the Commissioner had an unexpected increase in her work load between December 22 and December
 24 30, 2010, during which she has or has had to participate in discussions with the Commissioner's
 25 headquarters for an affirmative appeal – a process which has unextendable deadlines. Given this
 26 additional work and the Federal holiday on December 24, 2010, Counsel respectfully requests 14
 27 additional days in which to file the Commissioner's Response to Plaintiff's Motion.

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

2 Respectfully submitted,

3 Dated: December 29, 2010

4 /s/ Bess Brewer
5 (As authorized via email)
6 BESS BREWER
7 Attorney for Plaintiff

8 Dated: December 29, 2010

9 BENJAMIN B. WAGNER
10 United States Attorney
11 LUCILLE GONZALES MEIS
12 Regional Chief Counsel, Region IX
13 Social Security Administration

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

17 Attorneys for Defendant

18 ORDER

19 APPROVED AND SO ORDERED.

20 DATED: January 4, 2011

21 
22 _____
23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE