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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA  
 10  
 11 **SACRAMENTO DIVISION**

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

CIVIL NO. 2:10-cv-02477 KJN  
 STIPULATION AND 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 FIRST extension of time of 30 days, up to and including  
 21 September 14, 2011, to respond to Plaintiff’s motion for summary judgment. This extension is being  
 22 sought because, between the time Plaintiff filed his opening brief on July 15, 2011 and August 15, 2011,  
 23 Counsel for the Commissioner had to draft a Ninth Circuit brief, seek voluntarily remand in two other  
 24 district court cases, which had already been extended, conduct an office-wide appellate briefing training  
 25 and review three other appellate briefs for her colleagues – work that requires becoming familiar with  
 26 the records in cases she did not brief, takes up to 30 hours to complete and cannot be easily extended.  
 27 Counsel was also out of the office on leave from July 15-22, 2011. Given this workload and absence,  
 28 Counsel was not able to complete the Commissioner’s response by the current due date and respectfully

1 requests an additional 30 days.

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

3 Respectfully submitted,

4 Dated: August 15, 2011

*/s/Ann M. Cerney*  
(As authorized via telephone)  
ANN M. CERNEY  
Attorney for Plaintiff

6 Dated: August 15, 2011

BENJAMIN B. WAGNER  
United States Attorney  
DONNA L. CALVERT  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

*/s/ Elizabeth Firer*  
ELIZABETH FIRER  
Special Assistant U.S. Attorney  
Attorneys for Defendant

12 ORDER

13 Defendant filed this stipulation (the "Stipulation") on August 15, 2011, the same day as  
14 defendant's deadline to file its Opposition/Cross-Motion for Summary Judgment. (Dkt. No. 5 ¶ 4.)  
15 Disconcertingly, defendant waited until a filing deadline before asking the court to extend that same  
16 deadline. E.D. Local Rule 144(d) ("Counsel shall seek to obtain a necessary extension from the Court or  
17 from other counsel or parties in an action as soon as the need for an extension becomes apparent.  
18 Requests for Court-approved extensions brought on the required filing date for the pleading or other  
19 document are looked upon with disfavor."). Further, the events giving rise to the requested extension are  
20 primarily workload-related, such as counsel's drafting and reviewing briefs in other cases and  
21 conducting a training. These workload-related hurdles were presumably apparent to defendant's counsel  
22 *before* the filing deadline, and counsel offers no explanation regarding the delay in seeking the court's  
23 approval. Future stipulations suffering from similar deficiencies may not be approved. The undersigned  
24 nonetheless approves this stipulation.

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1 APPROVED AND SO ORDERED.

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3 DATED: August 19, 2011

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6 KENDALL J. NEWMAN  
7 UNITED STATES MAGISTRATE JUDGE

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