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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA

11 SACRAMENTO DIVISION

12 TERRY HIRSCHY,

13 Plaintiff,

14 v.

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

17 Defendant.

CIVIL NO. 2:10-cv-02520 CMK

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 SECOND extension of 14 days to respond to Plaintiff's motion  
 21 for summary judgment. The current due date is June 3, 2011, the new due date will be June 17, 2011.

22 This extension is being sought because the undersigned counsel for the Commissioner is recovering  
 23 from two orthopedic surgeries one of which has been more complicated than expected. Since returning to  
 24 the office on April 7, 2011, Counsel has not yet been able to return to her full capacity. During the week  
 25 of May 31-June 3, when she had planned on completing the Commissioner's brief, Counsel had unexpected  
 26 additional work in regard to processing a case with a pro se claimant, which needed immediate attention and  
 27 involved coordination with three Agency components most of which are in the Eastern Time Zone, and in  
 28 regard to reviewing an appellate brief for another attorney, a task that could not be extended. Due to this

1 set of circumstances, Counsel was unable to complete the Commissioner's brief by June 3, 2011 and  
2 respectfully requests an additional 14 days.

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

4 Respectfully submitted,

5 Dated: June 3, 2011

6 /s/ Joseph C. Fraulob  
7 (As authorized via telephone)  
8 JOSEPH C. FRAULOB  
9 Attorney for Plaintiff

10 Dated: June 3, 2011

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

16 /s/ Elizabeth Firer  
17 ELIZABETH FIRER  
18 Special Assistant U.S. Attorney

19 Attorneys for Defendant

20 ORDER

21 APPROVED AND SO ORDERED.

22 DATED: June 6, 2011

23   
24 \_\_\_\_\_  
25 CRAIG M. KELLISON  
26 UNITED STATES MAGISTRATE JUDGE  
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