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5 Attorneys for Plaintiff

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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
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11 **VAN DUONG**
xxx-xx-8636

13 **Plaintiff,**

14 **v.**

15 **MICHAEL J. ASTRUE**
 16 **Commissioner of Social Security**
of the United States of America,

17 **Defendant.**

Case No. 11-0347 KJN

12)
 13)
 14) **STIPULATION AND PROPOSED**
ORDER EXTENDING PLAINTIFF'S
TIME TO FILE SUMMARY
JUDGEMENT MOTION
 15)
 16)
 17)
 18)
 19)

20 IT IS HEREBY STIPULATED by and between the parties, through their attorneys, that the
 21 Plaintiff's time to file his summary judgment is hereby extended from September 20, 2011, to October
 22 7, 2011. This extension is required due to Plaintiff's counsel's impacted briefing schedule which
 23 became further impacted due to the time she spent from September 13, 2011, through September 17,
 24 2011, dealing with a family crisis. *See*, declaration of Bess M. Brewer

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Dated: September 19, 2011

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law

Attorney for Plaintiff

Dated: September 19, 2011

Benjamin B. Wagner

United States Attorney

/s/ Elizabeth Barry
ELIZABETH BARRY

Special Assistant United States Attorney
Attorneys for Defendant

DECLARATION OF BESS M. BREWER

1. I represent the plaintiff in the above referenced case pending in this court and submit this declaration in support of plaintiff's stipulated request for an extension of time to file his motion for summary judgment.

2. Plaintiff's brief is due September 20, 2011. Unfortunately, I was needed to help deal with the mental health crisis of a family member starting the evening of September 13, 2011, and extending through September 17, 2011. As a result, my briefing schedule has become even more impacted necessitating my request for an extension of time to file Ms. Duong's brief until October 7, 2011.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on September 19, 2011, in Sacramento, California.

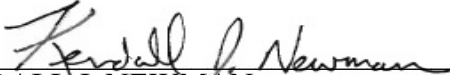
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ORDER

The stipulation of the parties is HEREBY APPROVED. Plaintiff shall have until October 7, 2011, to file a motion for summary judgment. The court's scheduling order is modified accordingly.

IT IS SO ORDERED.

DATED: September 20, 2011


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE