

1 BENJAMIN B. WAGNER
United States Attorney
2 DEBORAH LEE STACHEL
Acting Regional Chief Counsel, Region IX
3 Social Security Administration
SHARON LAHEY
4 California State Bar No. 263027
Special Assistant United States Attorney

5 160 Spear Street, Suite 800
San Francisco, California 94105
6 Telephone: (415) 977-8963
7 Facsimile: (415) 744-0134
E-Mail: Sharon.Lahey@ssa.com

8 ATTORNEYS FOR DEFENDANT

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

12 GLEN ALLEN ROE,) Case No.: 2:11-cv-02003-CKD
13))
Plaintiff,) **DEFENDANT'S EX PARTE**
14 vs.) **APPLICATION FOR EXTENSION OF**
15 CAROLYN COLVIN, Acting Commissioner) **TIME TO RESPOND TO PLAINTIFF'S**
of Social Security,) **APPLICATION FOR ATTORNEY FEES**
16 Defendant) **UNDER THE EQUAL ACCESS TO**
) **JUSTICE ACT**

17 Carolyn W. Colvin, Acting Commissioner of Social Security (Defendant or the
18 Commissioner), by and through her respective counsel of record, hereby applies ex parte for a
19 14-day extension of time to respond to Glen Allen Roe's (Plaintiff) Application for Attorney
20 Fees Under the Equal Access to Justice Act (the EAJA motion). The current deadline is July 27,
21 2015, and the new deadline would be August 10, 2015. This is the Commissioner's second
22 request for an extension of time. The Commissioner previously obtained a 14-day extension of
23 time. The Commissioner requests this extension of time because the attorney assigned to brief
24 her response to Plaintiff's EAJA motion had a medical emergency necessitating unplanned
25 medical leave, as set forth in the declaration of Sharon Lahey, below. As a result, the
26 Commissioner requires additional time to adequately assess the issues Plaintiff raises in his

1 EAJA motion. The Commissioner apologizes to the Court and to Plaintiff for the inconvenience
2 and timing of this request.

3 DATED: July 27, 2015

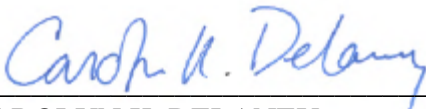
BENJAMIN WAGNER
United States Attorney

4 By: /s/ Sharon Lahey
5 Sharon Lahey
6 Special Assistant United States Attorney
7 Attorneys for Defendant

8 **ORDER**

9 Based upon Defendant's Ex Parte Application for Extension of Time to Respond to
10 Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act, and for good
11 cause shown, **IT IS SO ORDERED** that Defendant shall have an extension of time to and
12 including August 10, 2015 in which to respond to Plaintiff's Application for Attorney Fees
13 Under the Equal Access to Justice Act.

14 Dated: July 29, 2015

15 
16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

1 **DECLARATION OF SHARON LAHEY**

2 I, Sharon Lahey, hereby declare and state as follows:

3 1. I am Assistant Regional Counsel for the United States Social Security
4 Administration, Region IX, and Special Assistant United States Attorney assigned to the
5 Eastern District of California. I am one of the attorneys responsible for the defense of this
6 matter. I make this declaration based on my personal knowledge of the facts and
7 circumstances set forth herein. If called to testify, I could and would do so competently.

8 2. Beginning in or around July 14, 2015, I began receiving emergency treatment
9 for a previously unknown medical condition. As a result, I have been intermittently on medical
10 leave for the past 2 weeks. On July 27, 2015, I anticipated filing the Commissioner’s response
11 to Plaintiff’s EAJA motion. That day, I was on medical leave receiving treatment from
12 approximately 3:00p.m. through approximately 6:40p.m. Despite my diligence and efforts,
13 upon returning from leave, and without disclosing any privileged matters, I learned that I
14 would not be able to file the Commissioner’s response to Plaintiff’s EAJA motion and would
15 require more time.

16 3. On July 27, 2015, at approximately 6:45p.m., I called counsel for Plaintiff, John
17 Johnson, Esq., at his telephone number of record. I received his voicemail. I left Mr. Johnson
18 a message informing him that I would be filing this request for an additional 14 days to
19 respond to Plaintiff’s EAJA motion. As of the timing of filing, I have not received a response.

20 Pursuant to 28 U.S.C. section 1746, I declare under penalty of perjury that the above
21 statements are true and correct.

22 Dated: July 27, 2015

23 /s/ Sharon Lahey
24 SHARON LAHEY
25 Assistant Regional Counsel
26