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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 SACRAMENTO DIVISION

14 MICHAEL STANLEY MONTEZ,	)	CIVIL NO. 2:13-CV-0788-EFB
	)	
15 Plaintiff,	)	<b>STIPULATION AND PROPOSED</b>
16 v.	)	<b>ORDER FOR A SECOND EXTENSION</b>
	)	<b>OF TIME FOR DEFENDANT TO</b>
17 CAROLYN W. COLVIN <sup>1</sup> ,	)	<b>RESPOND TO PLAINTIFF’S OPENING</b>
18 Acting Commissioner of Social Security,	)	<b>BRIEF</b>
	)	
19 Defendant.	)	
	)	
	)	
	)	

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24 <sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant  
 25 to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for  
 26 Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by  
 27 reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
2 counsel of record, that Defendant shall have a second extension of time of 30 days to respond to  
3 Plaintiff's opening brief. Counsel for Defendant requests this extension in light of other district  
4 court litigation and substantive non-litigation matters.

5 In addition, this extension is necessary due to the backlog of work created by the  
6 temporary lapse in federal appropriations. At the end of the day on September 30, 2013, the  
7 appropriation that had been funding the Department of Justice expired and the appropriations to  
8 the Department lapsed. The same was true for most Executive agencies, including the Social  
9 Security Administration. Effective October 17, 2013, funds were appropriated for the  
10 Department of Justice and the Social Security Administration, and attorneys in both offices are  
11 resuming their usual civil litigation functions.

12 Notwithstanding the return of all attorneys, the Office of the General Counsel for the  
13 Social Security Administration has a substantial backlog of work as a result of this lapse in  
14 appropriations. The Office of the General Counsel is working diligently to prioritize and work  
15 through this backlog as efficiently as possible. As such, the Commissioner requests a 30-day  
16 extension of time for filing the Commissioner's response to Plaintiff's Motion for Remand.  
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18 The current due date is December 9, 2013. The new due date will be January 8, 2014.  
19 The parties further stipulate that the Court's Scheduling Order shall be modified accordingly.  
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23 Respectfully submitted,

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25 Dated: November 20, 2013

/s/ Richard A. Whitaker  
(by email authorization on November 20, 2013)  
Attorney for Plaintiff

1 Dated: November 22, 2013

BENJAMIN B. WAGNER  
United States Attorney

2  
3 By: /s/ Susan L. Smith  
4 Susan L. Smith  
Special Assistant U.S. Attorney

5 Attorneys for Defendant

6  
7 ORDER

8 APPROVED AND SO ORDERED.

9 DATED: November 25, 2013.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE