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8 Attorneys for Defendant

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

12
13 RICHELLE MARTINDALE,) Case No.: 2:13-cv-01743-CKD
14 Plaintiff,)
15 vs.) STIPULATION FOR AN EXTENSION OF
16 CAROLYN W. COLVIN,) TIME OF 30 DAYS FOR DEFENDANT’S
Acting Commissioner of Social Security,) CROSS-MOTION FOR SUMMARY
17 Defendant.) JUDGMENT
18)

19 IT IS HEREBY STIPULATED, by and between the parties, through their respective
20 counsel of record, that Defendant shall have an extension of time of an additional 30 days to
21 respond to Plaintiff’s Motion for Summary Judgment. This is the first continuance sought by
22 Defendant. The current due date is April 21, 2014. The new due date will be May 21, 2014.

23 There is good cause for this request. In approximately the last month, Defendant’s
24 counsel was assigned two new assignments in other jurisdictions that involved a shorter
25 turnaround time. One of the assignments was an Equal Employment Opportunity Commission
26 matter that required action related to discovery. Another was a reassigned Merit Systems
27 Protection Board case requiring an Agency response to a petition for review, for which the
28 original assigned attorneys were unavailable due to pre-approved leave for personal family

1 reasons and workload issues. Although Defendant's counsel made a good faith request to the
2 Board for an extension to May (to fully familiarize herself with the extensive record and prepare
3 the response), the Board only partially granted her request and allowed a limited extension to
4 April, the same time this district court case brief is due. In addition, Defendant's counsel has a
5 pending Ninth Circuit case responsive brief due in the next month, along with a regular full
6 workload of at least 8 other district court briefs. Thus, Defendant's counsel is requesting
7 additional time up to and including May 21, 2014 to fully review the administrative record and
8 research the issues presented by Plaintiff's motion for summary judgment.

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

11 Respectfully submitted,

12
13 Date: April 17, 2014

LAW OFFICES OF LAWRENCE D. ROHLFING

14 s/ Vijay J. Patel by C.Chen*
15 (As authorized by email on 4/17/2014)
16 VIJAY J. PATEL
AttorneyS for Plaintiff

17 Date: April 17, 2014

BENJAMIN B. WAGNER
United States Attorney

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19 By s/ Carolyn B. Chen
20 CAROLYN B. CHEN
Special Assistant U. S. Attorney

21 Attorneys for Defendant

22
23
24 ORDER

25 APPROVED AND SO ORDERED:

26 Dated: April 22, 2014

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28 
CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE