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5 Attorneys for Plaintiff MICHELLE LEE

6  
 7 **UNITED STATES DISTRICT COURT**  
 8 **EASTERN DISTRICT OF CALIFORNIA**  
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10 MICHELLE LEE,	)	Case No.: 2:14-CV-01270-EFB
	)	
11 Plaintiff,	)	STIPULATION AND ORDER TO
	)	MODIFY BRIEFING SCHEDULE
12 vs.	)	
	)	
13 CAROLYN COLVIN, Acting	)	
	)	
14 Commissioner of Social Security,	)	
	)	
15 Defendant	)	
16	)	

17 TO THE HONORABLE EDMUND F. BRENNAN, MAGISTRATE  
 18 JUDGE OF THE DISTRICT COURT:

19 Plaintiff Michelle Lee (“Plaintiff”) and defendant Carolyn Colvin, Acting  
 20 Commissioner of Social Security (“Defendant”), through their undersigned counsel  
 21 of record, hereby stipulate, subject to the approval of the Court, to modify the time  
 22 for Plaintiff to file Plaintiff’s Motion for Summary Judgment or Remand to  
 23 February 9, 2015; and that Defendant shall have until March 11, 2015, to file his  
 24 opposition. Any reply by plaintiff will continue to be due March 26, 2015.  
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1 A modification of the prior agreed upon schedule is needed because  
2 Plaintiff's Counsel's Spouse is receiving treatment for her Stage IV breast cancer  
3 which metastasized initially to her liver and progressed to her lungs, throat, and  
4 spine. Despite chemotherapy treatment, Counsel was recently informed that his  
5 spouse's cancer has continued to progress with spinal tumor expanding into the  
6 spinal canal and unequivocal progress of multiple tumors resulting in a massively  
7 enlarged liver. In addition, on January 10, 2015, complications arising from this  
8 disease process resulted in Counsel's spouse's hospitalization. Despite attempts to  
9 slow the progression of the Cancer with at least 8 separate lines of chemotherapy  
10 treatment Counsel's spouses' cancer has unequivocally progressed to the point  
11 where her physicians have stated on January 13, 2015 that they "would be very  
12 surprised to still be treating her one year from now" without some significant  
13 response to treatment that has yet to occur.

14 Counsel notes that the modified briefing schedule continues to require any  
15 reply brief to be filed by the same March 26, 2015 date as previously set by this  
16 Court. Consequently, the modification results in a reduction of time for Counsel to  
17 prepare any reply and does not extend the time for this matter to be submitted to the  
18 Court for decision. Counsel sincerely apologizes to the court for any  
19 inconvenience this may have had upon it or its staff.

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DATE: February 9, 2015

Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

*/s/ Steven G. Rosales*

BY: \_\_\_\_\_  
Steven G. Rosales  
Attorney for plaintiff MICHELLE LEE

DATED: February 9, 2015

BENJAMIN WAGNER  
United States Attorney

\*/S/- Michael Marriott

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Michael Marriott  
Special Assistant United States Attorney  
Attorney for Defendant  
[\*Via email authorization]

IT IS HEREBY ORDERED that plaintiff may have an extension of time, to and including February 9, 2015, in which to file Plaintiff's Motion for Summary Judgment or Remand; Defendant may have an extension of time to March 11, 2015 to file his opposition, if any is forthcoming. Any reply by plaintiff will be due March 26, 2015.

IT IS SO ORDERED.

DATED: February 10, 2015.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE