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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   BRENDA G. SWAIN,   No. 2:14-cv-1351-KJN

12   Plaintiff,

13   v.   ORDER

14   COMMISSIONER OF SOCIAL
      SECURITY,
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16   Defendant.

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18   On January 29, 2015, the court directed plaintiff's counsel to show cause in writing why

19   monetary sanctions should not be imposed against plaintiff's counsel for filing a tardy motion for

20   summary judgment. (ECF No. 15.) Thereafter, on February 9, 2015, plaintiff's counsel filed a

21   response to the order to show cause. (ECF No. 16.) The response indicates that the tardy filing

22   was the result of a calendaring error made in the backdrop of very serious health issues

23   concerning plaintiff's counsel's spouse. (Id.) In light of those circumstances, the court

24   discharges the order to show cause.

25   Plaintiff's counsel further indicates that the Commissioner has stipulated to a modified

26   briefing schedule whereby the Commissioner would file its opposition to plaintiff's motion by

27   February 26, 2015, and plaintiff's reply brief would be due on the original due date of February

28   28, 2015, thereby avoiding any adverse impact on the court's schedule.

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1   The court approves the modified schedule, except that plaintiff's counsel may have until

2 March 19, 2015, to file any reply brief. The court appreciates plaintiff's counsel's candor and

3 willingness to minimize the impact on the court's schedule, but in light of the serious health

4 issues faced by plaintiff's counsel's spouse, the court finds that the interests of justice would be

5 served by an additional extension.

6   Accordingly, IT IS HEREBY ORDERED that:

7   1. The court's January 29, 2015 order to show cause (ECF No. 15) is DISCHARGED.

8   2. Plaintiff's January 27, 2015 motion for summary judgment is deemed timely filed.

9   3. The Commissioner shall file any opposition or cross-motion for summary judgment no

10   later than February 26, 2015.

11   4. Plaintiff shall file a reply brief, if any, no later than March 19, 2015.

12   IT IS SO ORDERED.

13 Dated: February 10, 2015

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15   KENDALL J. NEWMAN
                 UNITED STATES MAGISTRATE JUDGE

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