

1 PHILLIP A. TALBERT  
 United States Attorney  
 2 DEBORAH LEE STACHEL  
 Regional Chief Counsel, Region IX  
 3 Social Security Administration  
 4 MARCELO ILLARMO (MABN 670079)  
 Special Assistant United States Attorney  
 5 160 Spear Street, Suite 800  
 San Francisco, California 94105  
 6 Telephone: (415) 977-8944  
 7 Facsimile: (415) 744-0134  
 E-Mail: Marcelo.Illarmo@ssa.gov  
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Attorneys for Defendant

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

12		)	Case No.: 2:16-cv-01145-CMK
13	JAMES EDWARD SMART,	)	
14		)	STIPULATION AND ORDER FOR A
15	Plaintiff,	)	SECOND EXTENSION OF TIME
16	v.	)	
17	NANCY A. BERRYHILL, <sup>1</sup>	)	
18	Acting Commissioner of Social Security,	)	
19	Defendant.	)	

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20 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
 21 counsel of record, that the time for responding to Plaintiff’s Motion for Summary Judgment be  
 22 extended from April 14, 2017 to April 28, 2017. This is Defendant’s second request for an  
 23 extension of time to respond to Plaintiff’s motion. Defendant respectfully requests this  
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26 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d)  
 27 of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting  
 28 Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be  
 taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security  
 Act, 42 U.S.C. § 405(g).

1 additional time because Defendant's counsel has a higher than normal workload. In addition,  
2 Defendant's counsel was out will be on leave from April 14, 2017 to April 18, 2017.

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

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6  
7 Respectfully submitted,

8 Dated: April 12, 2017

*/s/ Robert Weems*  
(\*as authorized via e-mail on 4/11/17)  
ROBERT WEEMS  
Attorney for Plaintiff

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10  
11 Dated: April 12, 2017

PHILLIP A. TALBERT  
United States Attorney  
DEBORAH LEE STACHEL  
Acting Regional Chief Counsel, Region IX  
Social Security Administration

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15 By: */s/ Marcelo Illarmo*  
16 MARCELO ILLARMO  
17 Special Assistant United States Attorney  
18 Attorneys for Defendant

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21 ORDER

22 APPROVED AND SO ORDERED:

23  
24 Dated: April 26, 2017

  
CRAIG M. KELLISON  
UNITED STATES MAGISTRATE JUDGE