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PHILLIP A. TALBERT 1 United States Attorney DEBORAH LEE STACHEL 2 Regional Chief Counsel, Region IX 3 Social Security Administration CAROLYN B. CHEN, CSBN 256628 4 Special Assistant United States Attorney 160 Spear Street, Suite 800 5 San Francisco, California 94105 6 Telephone: (415) 977-8956 Facsimile: (415) 744-0134 7 E-Mail: Carolyn.Chen@ssa.gov Attorneys for Defendant 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 SACRAMENTO DIVISION 11 12 Case No.: 2:16-cv-01651-TLN-CMK DAVID PAUL HILL, 13 Plaintiff, STIPULATION FOR AN EXTENSION OF 14 TIME OF 14 DAYS FOR DEFENDANT'S VS. 15 RESPONSE TO PLAINTIFF'S MOTION CAROLYN W. COLVIN, FOR SUMMARY JUDGMENT Acting Commissioner of Social Security, 16 17 Defendant. 18 IT IS HEREBY STIPULATED, by and between the parties, through their respective 19

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that Defendant shall have an extension of time of an additional 14 days to respond to Plaintiff's motion for summary judgment. This is the first continuance sought by Defendant. The current due date is February 6, 2017. The new due date will be February 21, 2017 (February 20, 2017 is a federal holiday).

There is good cause for this request. At around the time of the filing of Plaintiff's Motion for Summary Judgment, Defendant's counsel was recovering from two recent medical emergencies that necessitated her being on leave for multiple weeks. The first medical emergency occurred in late October 2016, that necessitated her being on leave and addressing her workload deadlines that were postponed due to her leave, as well as her regular workload,

when she returned to work in November. In addition, on December 9, 2016, Defendant's counsel was rear-ended in a car accident caused by another driver. Between the December accident and the current date, Defendant's counsel had taken about three weeks of leave to recover and rest, and returned to the office on January 9, 2017. In addition to her existing workload when she returned, new emergency assignments had been assigned to Defendant's counsel this past week that cannot be reassigned to another attorney and prevent Defendant's counsel from meeting the original deadline of February 6, 2017.

Because of the factors described above, Defendant is requesting additional time up to and including February 21, 2017, to fully review the record and research the issues presented by Plaintiff's motion for summary judgment, as Defendant's counsel continues to recover and address her workload. This request is made in good faith with no intention to unduly delay the proceedings.

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

Respectfully submitted,

Date: February 6, 2017 LAW OFFICE B. MARIE RIZZO

s/Barbara M. Rizzo by C.Chen\*

(As authorized by e-mail on 2/4/2017)

BARBARA M. RIZZO

Attorneys for Plaintiff

Date: February 6, 2017 PHILLIP A. TALBERT United States Attorney

By <u>s/ Carolyn B. Chen</u>
CAROLYN B. CHEN
Special Assistant U. S. Attorney

Attorneys for Defendant

## <u>ORDER</u>

APPROVED AND SO ORDERED:

Dated: February 10, 2017

CRAIG M. KELLISON'
UNITED STATES MAGISTRATE JUDGE