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9 Attorneys for Defendant

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

12) Case No. 2:16-cv-02051 MCE CKD
13 LARRY J. FAGAN,)
14) **STIPULATION AND ORDER TO DEEM**
15 Plaintiff,) **THE COMMISSIONER'S OBJECTION**
16) **TO THE FINDING AND**
17 v.) **RECOMMENDATION AS TIMELY**
18 NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
19 Defendant.)

20 IT IS HEREBY STIPULATED, by and between the parties, through their respective
21 counsel of record, subject to the approval of the Court, that Defendant shall be granted a first
22 extension of time of three days from January 16, 2018 to January 19, 2018 to file her Objections
23 to the Magistrate Judge's Findings and Recommendation (Objection), and the Objection shall be
24 deemed timely (ECF No. 30). With this extension:

- 25 • Plaintiff may serve and file a reply within 17 days of service of defendant's objection
26 (on or before February 5, 2018).

27 Good cause exists to grant the stipulation. Defendant's counsel is solely responsible for
28 managing his calendar and filing all pleadings. Defendant's counsel miscalendered the due date

1 of the Objection. Counsel normally maintains two separate ways to track his calendar as a
2 matter of redundancy, but inadvertently failed to correctly calendar this matter in both systems.
3 Defendant's counsel filed the Objection as soon as he recognized this error and contacted
4 opposing counsel. Defendant's counsel believes that the extension would not unduly delay the
5 proceedings or prejudice Plaintiff. Defendant's counsel apologizes to the Court for any delay
6 caused by his mistake.

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10 Respectfully submitted,

11 Dated: January 19, 2018

/s/ Harvey Sackett*
(*as authorized via e-mail on 1/19/18)
HARVEY SACKETT
Attorney for Plaintiff

14 Dated: January 19, 2018

MCGREGOR W. SCOTT
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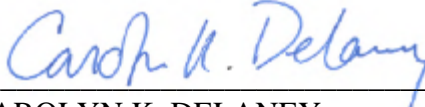
18 By: /s/ Marcelo Illarmo
19 MARCELO ILLARMO
20 Special Assistant United States Attorney

21 Attorneys for Defendant

22 ORDER

23
24 APPROVED AND SO ORDERED.

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26 Dated: January 24, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE