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

13 BRIAN SEABERRY, 14 Plaintiff, 15 vs. 16 CAROLYN W. COLVIN, Acting Commissioner of Social Security, 17 Defendant. 18) Case No.: 2:16-cv-02310-EFB)) STIPULATION AND PROPOSED ORDER) FOR AN EXTENSION OF TIME OF 45) DAYS FOR DEFENDANT’S RESPONSE TO) PLAINTIFF’S MOTION FOR SUMMARY) JUDGMENT))))
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 20 IT IS HEREBY STIPULATED, by and between the parties, through their respective
 21 counsel of record, that Defendant shall have an extension of time of an additional 45 days to
 22 respond to Plaintiff’s motion for summary judgment. This is the first continuance sought by
 23 Defendant. The current due date is May 8, 2017. The new due date will be June 22, 2017.

24 There is good cause for this request. On Tuesday, May 2, 2017, Defendant’s counsel was
 25 assigned an emergency matter that could not be assigned to another attorney that is also due the
 26 week of May 8, 2017, the same time as the original due date of Defendant’s response to
 27 Plaintiff’s motion for summary judgment in this case. Furthermore, since the filing of Plaintiff’s
 28 motion for summary judgment and continuing for the next month and a half, Defendant’s

1 counsel has had and continues to have a full workload that she is diligently addressing, including
2 approximately 12 pending District Court briefs and hearings (some of which had already been
3 extended previously), and one Equal Employment Opportunity Commission (EEOC) brief, that
4 cannot be assigned to another attorney, as well as other work. Despite counsel's diligence and
5 given counsel's continuing heavy workload in the next month and a half, described above,
6 Defendant is requesting additional time up to and including June 22, 2017, to fully review the
7 record and research the issues presented by Plaintiff's motion for summary judgment as
8 Defendant's counsel addresses her workload. This request is made in good faith with no
9 intention to unduly delay the proceedings.

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

12 Respectfully submitted,

13 Date: May 4, 2017

LAW OFFICES OF LAWRENCE D. ROHLFING

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15 s/ Monica Perales by C.Chen*
16 (As authorized by e-mail on 5/4/2017)
17 MONICA PERALES
18 Attorneys for Plaintiff

19 Date: May 4, 2017

PHILLIP A. TALBERT
United States Attorney

20 By s/ Carolyn B. Chen
21 CAROLYN B. CHEN
22 Special Assistant U. S. Attorney

Attorneys for Defendant

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24 ORDER

25 APPROVED AND SO ORDERED.

26 DATED: May 8, 2017.

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28 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE