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8 Attorneys for Defendant

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

13 JAMES STEVENS,  
 14 Plaintiff,  
 15 vs.  
 16 NANCY A. BERRYHILL,  
 Acting Commissioner of Social Security,  
 17 Defendant.  
 18

Case No.: 2:17-cv-02496-DMC

**JOINT STIPULATION AND  
 [PROPOSED] ORDER FOR EXTENSION  
 OF TIME FOR DEFENDANT TO  
 RESPOND TO PLAINTIFF'S MOTION  
 FOR SUMMARY JUDGMENT**

19 IT IS HEREBY STIPULATED, by the parties, through their respective counsel of record,  
 20 that the time for responding to Plaintiff's Motion for Summary Judgment be extended from  
 21 September 5, 2018 to **September 18, 2018**. This is Defendant's third request for extension.  
 22 Good cause exists to grant Defendant's request for extension. Following the three deaths in  
 23 Counsel's family over the course of the last three months, Counsel for Defendant took some  
 24 personal leave. At the time of the current filing deadline, Counsel is sick and had a migraine for  
 25 the past three days, which impairs her vision. Counsel attempted diligently to finish her  
 26 response, but could not do so by the current filing deadline. Counsel is also expected to be out of  
 27 the office on September 7<sup>th</sup> and 8<sup>th</sup>, 2018. As a result of Counsel's unexpected time off, Counsel  
 28 did not have sufficient time to finalize Defendant's response. As such, Defendant needs

1 additional time to adequately review the transcript and properly respond to Plaintiff's Motion for  
2 Summary Judgment. Defendant makes this request in good faith with no intention to unduly  
3 delay the proceedings. Counsel apologizes for the belated request, but did not anticipate taking  
4 additional leave. The parties further stipulate that the Court's Scheduling Order shall be  
5 modified accordingly.

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7  
8 Respectfully submitted,

9  
10 Dated: September 5, 2018

/s/ \*Josephine M. Gerrard  
(\*as authorized by email on September 5, 2018)  
JOSEPHINE M. GERRARD  
Attorney for Plaintiff

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13  
14 Dated: September 5, 2018

MCGREGOR W. SCOTT  
United States Attorney  
DEBORAH LEE STACHEL  
Regional Chief Counsel, Region IX  
Social Security Administration

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18 By /s/ Tina L. Naicker  
TINA L. NAICKER  
Special Assistant U.S. Attorney  
Attorneys for Defendant

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20  
21 **ORDER**

22 APPROVED AND SO ORDERED:

23  
24  
25 DATED: Sept 10 2018

  
HON. DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE