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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

VIRGIE WOOLSEY

Case No. 18-cv-924 EFB

Plaintiff,

**MOTION FOR EXTENSION  
OF TIME TO FILE OPENING  
BRIEF, DECLARATION, AND ORDER**

NANCY A. BERRYHILL,  
ACTING COMMISSIONER OF SSA,  
Defendant.

**NOTICE OF MOTION AND MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

Plaintiff hereby moves the Court for an extension of time to January 29, 2018 2019, to file her Summary Judgment Motion pursuant to Rule 6 (4) (b) of the Federal Rules of Civil Procedure. This motion is based on the entire record in this case including the declaration of plaintiff's counsel as set forth below.

**MOTION**

Plaintiff respectfully requests that the Court permit counsel to file her Summary Judgment Memorandum on January 29, 2019, pursuant to Rule 6 (4) (b) of the Federal Rules of Civil Procedure. Rule 6(4)(b). Plaintiff's motion was due November 9, 2018, but due to counsel's "inadvertence, mistake and excusable neglect" the brief was not timely filed. Ms. Woolsey's case fell through the cracks along with Ms. Rioux's case. Both cases were produced the same day but

1 Counsel just became aware of the oversight. The record was produced September 12, 2018, and her  
2 brief was due October 27, 2018. Counsel, however, did not realize the record had been produced  
3 until today while performing a review of her open cases. *See*, Declaration of Bess M. Brewer.  
4 Counsel apologizes to the court for her oversight and for not timely filing Ms. ~~Rioux~~ Woolsey's  
5 summary judgment motion.  
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7  
8 Dated: January 14, 2019

LAW OFFICE OF  
BESS M. BREWER

9  
10 By: /S/ BESS M. BREWER  
11 BESS M. BREWER  
Attorney for Plaintiff

12 **DECLARATION OF BESS M. BREWER**

13 I, Bess M. Brewer, Declare:

- 14 1. I am an attorney licensed to practice law in California and am  
15 admitted to practice before this Court. I represent the plaintiff in  
16 the above referenced case and submit this declaration in support  
17 of plaintiff's motion for leave to file her brief late.  
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- 19 2. Plaintiff's motion for summary judgment was due October 27,  
20 2018. When reviewing my cases today, January 14, 2019, I noted  
21 the age of Ms. Woolsey's case and wondered why the record had  
22 not been produced. Upon checking, I realized it had been  
23 produced September 12, 2018. I did not realize the record had  
24 been produced, and as a result, failed to calendar the due date for  
25 her summary judgment motion.  
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- 27 3. I request that the court permit me to file Ms. Woolsey's Summary Judgment  
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on January 29, 2019.

4. I apologize to the Court for my failure to timely file Ms. ~~Roux~~  
**Woolsey**'s opening brief. Opposing Counsel has been emailed  
this motion.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my  
knowledge, and that this declaration was executed on January 14, 2019, Sacramento County,  
California. /

/s/ Bess M. Brewer

BESS M. BREWER

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**ORDER**

APPROVED AND SO ORDERED.

DATED: January 18, 2019.



EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE