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8 Attorneys for Defendant

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

12 ZAK FRANKLIN HAY)	Civil No.: 2:18-cv-01706-EFB
)	
13 Plaintiff,)	UNOPPOSED MOTION FOR DEFENDANT
)	TO FILE A LATE OPPOSITION
14 vs.)	TO PLAINTIFF'S OPENING BRIEF
)	AND STIPULATION FOR NEW BRIEFING
15 ANDREW SAUL,)	SCHEDULE AND
16 Commissioner of Social Security,)	PROPOSED ORDER
)	
17 Defendant. ¹)	
)	
)	

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21 Defendant files this unopposed motion to file her opposition to Plaintiff's opening brief
 22 late. In addition, IT IS HEREBY STIPULATED, by and between the parties, by and through their
 23 respective counsel of record, that, with the Court's approval, Defendant shall have an extension of
 24 time of forty-five (45) days to file his Opposition to Plaintiff's Opening Brief. The current due

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26 ¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a
 27 party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42
 28 USC 405(g)(action survives regardless of any change in the person occupying the office of
 Commissioner of Social Security).

1 date was September 10, 2019. The new date will be October 25, 2019. All other deadlines will
2 extend according to the Court's Scheduling Order.

3 Defense counsel needs an extension of time because she needs more time to complete
4 review and analysis of the 2,000 page record, consider the issues raised in Plaintiff's 38 page brief,
5 including a novel military substantial gainful activity issue, determine whether options exist for
6 settlement, accommodate competing workload demands (including six other briefs due this
7 month), draft the response, and go through the necessary in-house reviews. Defense counsel's
8 office has three attorneys out on extended leave and at this time and management has been unable
9 to transfer this case to another attorney to handle due to everyone having a full caseload. Defense
10 counsel intended to file this stipulation on Monday, September 9th, and inadvertently
11 miscalendered the due date. Upon realizing her error, Defense counsel communicated with
12 Plaintiff's counsel, who kindly agreed not to oppose Defendant's motion to file a late opposition.
13 This request is made in good faith with no intention to delay unduly the proceedings. Counsel
14 apologizes to the Court, Plaintiff, and counsel for any inconvenience this delay may cause.

15 This is Defendant's second request for an extension.

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17 Respectfully submitted,

18 Dated: September 9, 2019

19 MCGREGOR W. SCOTT
20 United States Attorney
21 DEBORAH LEE STACHEL
22 Regional Chief Counsel, Region IX
23 Social Security Administration

24
25 By: /s/ S. Wyeth McAdam
26 S. WYETH MCADAM
27 Special Assistant United States Attorney
28 Attorneys for Defendant

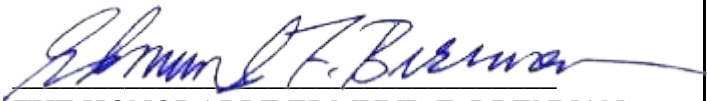
/s/ Robert Weems
Robert Weems
Weems Law Office
Attorney for Plaintiff
(*As authorized via e-mail on September 6, 2019)

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ORDER

GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, DEFENDANT SHALL FILE HIS ~~OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND/OR REMAND~~ **MOTION FOR SUMMARY JUDGMENT AND/OR REMAND** ON OR BEFORE OCTOBER 25, 2019. ~~DEFENDANT'S UNOPPOSED MOTION FOR DEFENDANT TO FILE A LATE OPPOSITION TO PLAINTIFF'S OPENING BRIEF IS GRANTED.~~

Dated: September 19, 2019.


THE HONORABLE EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE