

1 PHILLIP A. TALBERT
 United States Attorney
 2 MATHEW W. PILE
 Associate General Counsel
 Office of Program Litigation, Office 7
 3 CASPAR CHAN, CSBN 294804
 Special Assistant United States Attorney
 4 Social Security Administration
 5 6401 Security Boulevard
 6 Baltimore, MD 21235
 7 Telephone: 510-970-4810
 8 Facsimile: 415-744-0134
 Email: Caspar.Chan@ssa.gov

9 Attorneys for Defendant

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

13 STACEY HAYWARD,

14 Plaintiff,

15 v.

16 MARTIN O'MALLEY,
 17 Commissioner of Social Security,¹

18 Defendant.

) Civil No. 2:23-cv-02197-CKD

) **STIPULATION AND ORDER TO EXTEND**
) **BRIEFING SCHEDULE**

26
 27 ¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule
 28 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi
 as the defendant in this suit. No further action need be taken to continue this suit by reason of the last
 sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 The parties stipulate through counsel that Defendant, the Commissioner of Social Security (the
2 “Commissioner”), shall have an extension of 30 days to respond to Plaintiff’s Motion for Summary
3 Judgment in this case. In support of this request, the Commissioner respectfully states as follows:

4 1. The Commissioner’s response to Plaintiff’s Motion for Summary Judgment is due
5 February 5, 2024. Defendant has not previously received an extension of this deadline.

6 2. Counsel for the Commissioner is in the process of consulting with his client about the
7 defensibility of this matter. Counsel for the Commissioner believes that this short extension may resolve
8 this matter without necessitating this Court to address the merits of this matter. Moreover, this brief
9 extension would conserve judicial time and resources should the Parties be able to resolve this matter.

10 3. Counsel for the Commissioner has consulted with Plaintiff’s counsel who advised that he
11 has no objections.

12 4. This request is made in good faith and is not intended to unnecessarily delay the
13 proceedings in this matter.

14 WHEREFORE, Defendant requests until March 6, 2024, to respond to Plaintiff’s Motion for
15 Summary Judgment.

16
17 Date: February 7, 2024

LAW OFFICES OF FRANCESCO BENAVIDES

18 By: /s/ Caspar Chan for Francesco Benavides *
19 FRANCESCO BENAVIDES
20 *Authorized by email on February 7, 2024
21 Attorneys for Plaintiff

22 Date: February 7, 2024

PHILIP A. TALBERT
United States Attorney
Eastern District of California

24 ///
25 ///
26 ///
27 ///
28 ///


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Caspar Chan
CASPAR CHAN
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

APPROVED AND SO ORDERED.

Dated: February 7, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE