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10 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
14

15 VICKIE BENNETT,

16 Plaintiff,

17 vs.

18 MARTIN O'MALLEY,
19 Commissioner of Social Security,

20 Defendant.
21

Civil No. 2:24-cv-02385-JDP

22 STIPULATION AND ~~PROPOSED~~ ORDER
23 FOR EXTENSION OF TIME TO FILE THE
24 ELECTRONIC CERTIFIED
25 ADMINISTRATIVE RECORD AS THE
26 ANSWER TO PLAINTIFF'S COMPLAINT
27

28 Pending the Court's approval, the parties stipulate through their respective counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a forty-five-day extension of time to respond to Plaintiff's Complaint in this case from November 5, 2024, up to and including December 20, 2024. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due to be filed by November 5,

1 2024. Defendant has not previously requested an extension of this deadline.

2 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add
3 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the
4 Commissioner files a certified administrative record (CAR) as the Answer to a
5 Complaint for review.

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7 3. Counsel for the Commissioner has been informed by the client agency, which is the
8 Social Security Administration, Office of Appellate Operations, that the CAR is not
9 fully prepared in this matter. The client agency therefore needs more time to prepare
10 the CAR for the Court's review.

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12 4. For this reason, Defendant requests an extension to December 20, 2024 (45 days), to
13 file an Answer or other response in this matter.

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15 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
16 he has no objection to this extension request.

17 6. This request is made in good faith and is not intended to delay the proceedings in this
18 matter.

19 7. I am attempting to preserve limited judicial resources and have applied the most rapid
20 response under the circumstances.

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22 WHEREFORE, Defendant requests until December 20, 2024, to respond to Plaintiff's
23 Complaint.

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DATE: October 28, 2024

Respectfully submitted,

Law Offices of Francesco

/s/ Francesco Paulo Benavides*
FRANCESCO PAULO BENAVIDES
Attorney for Plaintiff
(*as authorized via email on October 25, 2024)

PHILLIP A. TALBERT
United States Attorney

MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration

DATE: October 28, 2024

By s/ Justin L. Martin
JUSTIN L. MARTIN
Special Assistant United States Attorney


Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

IT IS SO ORDERED.

Dated: October 28, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE