

1 COUNSEL LISTED ON SIGNATURE PAGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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AMERICAN COUNCIL OF THE BLIND, a) Case No. C 05-04696 WHA
District of Columbia non-profit corporation,)
TAMMY RENEE COOPER, SCARLETT) **STIPULATION UNDER CIVIL LOCAL**
MILES, MARVELENA QUESADA, ARLENE) **RULE 6-2 TO SHORTEN TIME FOR**
DOHERTY, ALICE MARJORIE DONOVAN,) **HEARING ON JOINT MOTION TO**
BILLIE JEAN KEITH, GEORGE P. SMITH,) **EXTEND DATES IN CASE MANAGEMENT**
DOROTHY JACKSON, MARY ANN) **ORDER AND TO CONTINUE TRIAL (NO.**
ALEXANDER, AND LAURA M. RUSSELL on) **138) AND [~~PROPOSED~~] ORDER**
15 behalf of themselves and all others similarly)
16 situated,)

17 Plaintiffs,

18 vs.

19 MICHAEL ASTRUE, Commissioner of the)
20 Social Security Administration, in his official)
capacity, and SOCIAL SECURITY)
21 ADMINISTRATION,)

22 Defendants.)
23)

) Date: December 4, 2008
) Time: 8:00 A.M.
) Judge: Hon. William H. Alsup
) Ctrm: 9, 19th floor

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25 WHEREAS, on November 19, 2008, the parties filed a Joint Motion to Extend Dates in Case
26 Management Order and to Continue Trial with this Court (Dkt. No. 138) and noticed it for hearing on
27 December 4, 2008, at 8:00 a.m.;

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STIPULATION TO SHORTEN TIME AND [~~PROPOSED~~]
ORDER
Case No. C 05-04696 WHA

1 WHEREAS, counsel for the parties were under the mistaken impression that Paragraph 6 of the
2 Court's Supplemental Case Management Order permitted motions (in particular, agreed ones) to be
3 noticed for hearing less than 35 days from the date of their service;

4 WHEREAS, the Court's calendar indicates, however, that this Motion was not properly
5 noticed;

6 WHEREAS, the parties wish to correct any procedural defects associated with the noticing of
7 this Motion;

8 ACCORDINGLY, Plaintiffs American Council of the Blind, *et al.*, and Defendants Michael
9 Astrue, *et al.*, pursuant to Civil Local Rule 6-2, hereby STIPULATE to shortening the time under Civil
10 Local Rule 7-2(a) for the hearing on the parties' Motion on the following grounds:

- 11 • The standard 35-day notice period, which permits the filing of oppositions and replies
12 before the parties are heard in court, is unnecessary in this instance because the parties
13 are making the Motion jointly and no oppositions or replies will therefore be filed.
- 14 • The parties would like to waive the standard 35-day notice period because they are
15 seeking immediate relief from upcoming deadlines in the current Case Management
16 Scheduling Order that are already unworkable in light of changed circumstances (as
17 explained in the Motion).
- 18 • The only time modification made in this case since the entry of the current Case
19 Management Scheduling Order is an extension of the deadline for Defendants to
20 respond to Plaintiffs' Second Amended Complaint (Dkt. No. 95).
- 21 • Shortening the time to hear the parties' Motion alone will have no effect on other
22 deadlines in the current Case Management Scheduling Order.
- 23 • Justice and efficiency would be best served by having the parties' Motion noticed and
24 heard on an expedited schedule, i.e., on December 4, 2008, at 8:00 a.m., as currently
25 calendared.

