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 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **JOSE DE LA LUZ GARCIA**)
 11)
 12)
 13 **Plaintiff,**)
 14 **v.**)
 15 **MICHAEL J. ASTRUE**)
 16 **Commissioner of Social Security**)
 17 **of the United States of America,**)
 18 **Defendant.**)

Case No. CIV-08-3833 MHP

**~~[PROPOSED]~~ STIPULATION AND ORDER
 EXTENDING PLAINTIFF'S TIME TO
 FILE MEMORANDUM IN SUPPORT
 OF SUMMARY JUDGMENT AND
 DECLARATION**

19 IT IS HEREBY STIPULATED by and between the parties, through their attorneys, and with the
 20 permission of the Court as evidenced below, that the Plaintiff's time to file the summary judgment in this
 21 case is hereby extended from its current due date of January 5, 2009, to February 10, 2009. This is
 22 plaintiff's first request for an extension of time and is required due the holidays and plaintiff's counsel's
 23 extremely heavy case load. See, Declaration of Bess M. Brewer set forth below

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1 Dated: January 5, 2009

/s/Bess M. Brewer
BESS M. BREWER
Attorney at Law

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Attorney for Plaintiff

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Dated: January 5, 2009

McGregor W. Scott

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United States Attorney

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/s/ Jacqueline Forslund
JACQUELINE FORSLUND

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Special Assistant U.S. Attorney
Social Security Administration

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Attorney for Defendant

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DECLARATION OF BESS M. BREWER

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DECLARATION OF BESS M. BREWER

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I, Bess M. Brewer, Declare:

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1. I represent Mr. Garcia in Case No. CIV-08-3833 MHP pending in this court and submit this declaration in support of plaintiff's stipulated request for an extension of time to file his motion for summary judgment.

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2. I was out of the office on vacation for the holidays and will require additional time to complete Mr. Garcia's Motion for Summary Judgment and Memorandum.

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3. This is my first request for an extension of time to file Mr. Garcia's summary judgment and the granting of this stipulated request will not have an appreciable effect on the briefing of this case.

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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 5, 2009, in Sacramento, California.

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/s/ Bess M. Brewer
BESS M. BREWER

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ORDER

APPROVED AND SO ORDERED.

DATED: 1/7/2009

