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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 JO ANN E. HASELTINE,

13 Plaintiff,

14  
 15 MICHAEL J. ASTRUE,  
 16 Commissioner of Social Security,

17 Defendant.

CIVIL NO. 3:08-CV-5782-BZ

DEFENDANT’S MOTION FOR LEAVE TO  
FILE A SUR-REPLY

18  
 19 Defendant hereby moves for leave to file a sur-reply to “Plaintiff’s Reply to Defendant’s  
 20 Opposition to Plaintiff’s Motion for Relief” (Doc. No. 55) (hereinafter “Reply”), on the ground that  
 21 Plaintiff raised new arguments in said Reply. For example, among other new assertions, Plaintiff asserts  
 22 for the first time in her Reply that: a Notice in the Federal Register has any bearing on this matter; an  
 23 “analyst” is actually a Regional Chief Administrative Law Judge; and the discovery order at issue  
 24 concerns a bias complaint dated September 2008. See Pl.’s Reply at 2:20-3:25, 4:9-5:2.

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

1 The proposed sur-reply is attached.

2 Respectfully submitted,

3 JOSEPH P. RUSSONIELLO  
4 United States Attorney

5 Dated: February 8, 2010

6 By: /s/ Brenda M. Pullin  
7 BRENDAM. PULLIN  
8 Special Assistant United States Attorney

9  
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on February 8, 2010, I electronically transmitted the attached document to  
12 the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing  
13 to the following CM/ECF registrant:

14 Ian M. Sammis  
15 1108 Tamalpais Ave. #1  
16 San Rafael, CA 94901

17 /s/ Brenda M. Pullin

DATED: 2/9/2010

