1 MELINDA L. HAAG, CSBN 132612 United States Attorney 2 DONNA L. CALVERT, ISBN 6191786 Regional Chief Counsel, Region IX 3 Social Security Administration 4 SHARON LAHEY, CSBN 263027 Special Assistant United States Attorney 5 160 Spear Street, Suite 800 San Francisco, California 94105 6 Telephone: (415) 977-8963 7 Facsimile: (415) 744-0134 E-Mail: Sharon.Lahey@ssa.com 8 Attorneys for the Defendant 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 CIVIL NO. 3:14-cv-4170 VC 12 ANTONIO MCWOODSEN **DEFENDANT'S INITIAL EX PARTE** APPLICATION FOR EXTENSION OF 13 Plaintiff, TIME TO RESPOND TO PLAINTIFF'S 14 MOTION FOR SUMMARY JUDGMENT VS. AND/OR FILE ANY CROSS-MOTIONS 15 CAROLYN W. COLVIN, Acting Commissioner 16 Of Social Security, 17 Defendant. 18 Carolyn W. Colvin, Acting Commissioner of Social Security (Defendant or the Commissioner), 19 by and through her respective counsel of record, hereby applies for a 30-day extension of time to 20 respond to Plaintiff's Motion for Summary Judgment (Docket No. 15). The current deadline is March 21 30, 2015. The new deadline will be April 29, 2015. This is Defendant's first request for an extension of 22 time, and the second request for an extension in the above-captioned matter. Defendant requests this 23 additional time so that she may continue to consider the possible settlement of this matter based on the 24 issues Plaintiff raises in his Motion for Summary Judgment without further briefing and action by the 25 Court. Defendant further respectfully requests that all other deadlines will be extended accordingly. 26 111 27 111 28 EX PARTE APPLICATION (CIVIL NO. 3:14-cv-4170 VC)

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1 As set forth in the accompanying Declaration of Sharon Lahey, Esq., counsel for the 2 Commissioner contacted Plaintiff's counsel on March 30, 2015 by email and by telephone concerning 3 this request but has not received a response as of the time of filing. Defense counsel has been 4 unexpectedly out of the office on medical leave. Defense counsel apologizes for the short notice both to 5 the Court and to Plaintiff's counsel. 6 Date: March 30, 2015 **MELINDA HAAG** 7 United States Attorney 8 By: /s/ Sharon Lahey 9 SHARON LAHEY Special Assistant United States Attorney 10 Attorney for Defendant 11 12 **ORDER** 13 PURSUANT TO STIPULATION, IT IS SO ORDERED. DEFENDANT SHALL FILE HER 14 RESPONSE TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT ON OR BEFORE APRIL 29, 2015. PLAINTIFF SHALL FILE ANY REPLY THERETO ON OR BEFORE MAY 13, 2015. 15 16 17 Dated: April 1, 2015 HON. VINCE CHHABRIA 18 UNITED STATES DISTRICT JUDGE 19 20 21 22 23 24 25 26 27 28

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DECLARATION OF SHARON LAHEY, ESQ.

- I, Sharon Lahey, hereby declare and state as follows:
- 1. I am Assistant Regional Counsel for the United States Social Security Administration, Region IX, and Special Assistant United States Attorney. I am one of the attorneys responsible for the defense of this matter. I make this declaration based on my personal knowledge of the facts and circumstances set forth herein. If called to testify, I could and would do so competently.
- 2. On March 30, 2010 at 9:50a.m., I emailed Plaintiff's counsel, Lisa Lunford, Esq. In my email, I stated that the Commissioner is considering the voluntary remand of this matter. I requested a 30-day extension to time so that the Commissioner may continue to consider the issues raised in Plaintiff's motion for summary judgment.
- 3. On March 30, 2010 at approximately 1:30p.m., I called Ms. Lunsford at her office telephone number of record. I received Ms. Lunsford's voicemail. I left a voicemail message stating that the Commissioner was considering voluntarily remanding this matter, and I requested an extension of 30-days so that she may continue to consider the issues raised in Plaintiff's motion for summary judgment.
- 4. In March 16, 2015, I was unexpectedly out of the office for a one-week medical leave. Pursuant to 28 U.S.C. section 1746, I declare under penalty of perjury that the above statements are true and correct.

Dated: March 30, 2015 /s/ Sharon Lahev SHARON LAHEY Special Assistant United States Attorney

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