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*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

KEVIN HART, NINA SILVA-COLLINS, )  
 and LEE HARRIS, on behalf of themselves )  
 and all others similarly situated, )

Plaintiffs, )

v. )

CAROLYN W. COLVIN, Acting )  
 Commissioner of Social Security, in her )  
 official capacity, )

Defendant. )

Case No. 3:15-cv-00623-JST

**STIPULATION AND ~~PROPOSED~~  
 ORDER SETTING BRIEFING  
 SCHEDULE FOR DEFENDANT'S  
 MOTION TO DISMISS**

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## STIPULATION

Pursuant to Local Rules 6-1(b) and 6-2, Plaintiffs, Kevin Hart, Nina Silva-Collins, and Lee Harris, and Defendant, Carolyn W. Colvin, in her capacity as Acting Commissioner of Social Security, through their respective undersigned counsel, stipulate and agree as follows:

1. On February 9, 2015, Plaintiffs filed a Complaint in this Court asserting three causes of action against Defendant. ECF No. 1. Undersigned counsel for Defendant entered an appearance in this case on March 26, 2015. ECF No. 11.

2. Pursuant to Federal Rule of Civil Procedure 12(a)(2), Defendant's deadline to serve a responsive pleading is on or before April 13, 2015. Defendant anticipates that, in response to Plaintiffs' Complaint, Defendant may file a motion pursuant to Rule 12(b).

3. Counsel for the parties have conferred and, consistent with the Commentary to Local Rule 7-2, wish to extend Defendant's time to respond to the Complaint by one (1) week, and to stipulate to a briefing schedule on any Rule 12(b) motion filed by Defendant in response to the Complaint.

4. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendant has filed a declaration in support of this stipulation. Counsel for Plaintiffs does not object to the statements contained therein.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, subject to approval by the Court, that:

1. Defendant's deadline to file a responsive pleading to Plaintiffs' Complaint is April 20, 2015;

2. Plaintiffs' deadline to file a response brief to any Rule 12 motion filed by Defendant is May 18, 2015;

3. Defendant's deadline to file a reply brief to Defendant's response brief, if any, is June 8, 2015; and

4. The parties will set a hearing on any Rule 12 motion filed by Defendant for June 25, 2015 at 2:00 p.m., or as soon as feasible thereafter.

Respectfully submitted,

Dated: April 3, 2015

WILLIAM L. STERN  
MORRISON & FOERSTER LLP

By: /s/ William L. Stern  
William L. Stern

Attorneys for Plaintiffs

Dated: April 3, 2015

U.S. DEPARTMENT OF JUSTICE

By: /s/ Andrew Zee  
M. ANDREW ZEE (CA Bar #272510)

*Attorney for Defendant*

#### ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose user ID and password are being used in the electronic filing of this document, and further attest that I have obtained the concurrence in the filing of the document from the other signatory.

/s Andrew Zee  
M. ANDREW ZEE (CA Bar #272510)

~~PROPOSED~~ ORDER

Upon stipulation of the parties, and good cause appearing, the Court hereby orders:

1. Defendant's deadline to file a responsive pleading to Plaintiffs' Complaint is April 20, 2015;

2. Plaintiffs' deadline to file a response brief to any Rule 12 motion filed by Defendant is May 18, 2015;

3. Defendant's deadline to file a reply brief to Defendant's response brief, if any, is June 8, 2015; and

4. The Court will hear argument on any Rule 12 motion filed by Defendant on June 25, 2015 at 2:00 p.m., or as soon as feasible thereafter.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 3, 2015

