

1 MELINDA L. HAAG, CSBN 132612
 2 United States Attorney
 3 DEBORAH L. STACHEL, CSBN 230138
 4 Acting Regional Chief Counsel, Region IX
 5 Social Security Administration
 6 CAROLYN B. CHEN, CSBN 256628
 7 Special Assistant United States Attorney

8 160 Spear Street, Suite 800
 9 San Francisco, California 94105
 Telephone: (415) 977-8956
 Facsimile: (415) 744-0134
 E-Mail: Carolyn.Chen@ssa.gov

10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

12 PHILLIP MAYS,)	CIVIL ACTION NO. 3:15-CV-02731-MEJ
13 Plaintiff,)	
14 v.)	
15 CAROLYN W. COLVIN, Acting)	MOTION FOR A SECOND EXTENSION
16 Commissioner of Social Security,)	OF TIME FOR DEFENDANT TO FILE
17 Defendant.)	STATEMENT OF FACTS AND CROSS-MOTION
)	FOR SUMMARY JUDGMENT; ORDER THEREON

18 Defendant respectfully requests a second extension of time of 30 days to file her statement
 19 of the administrative record and cross-motion for summary judgment and opposition to Plaintiff's
 20 motion. The current due date is February 17, 2016. The new due date will be March 18, 2016.

21 This is the second continuance sought by Defendant. There is good cause for this request.
 22 Since Defendant's previous request for an extension of time, Defendant's counsel's continued to
 23 have a heavy workload including a follow-up briefing for a hearing for an Equal Employment
 24 Opportunity Commission (EEOC) case in December 2015; additional discovery, including
 25 depositions conducted in December and January, for a second EEOC case; traveling for a Ninth
 26 Circuit appellate oral argument in early February 2016; preparing a ninth circuit brief due in
 27 February 2016; and was recently given an emergency assignment last week for an additional
 28 EEOC matter, that requires a short-turn around response on February 18, 2016, the day after the

1 original due date of Defendant's cross-motion for summary judgment, and which could not be
2 assigned to another attorney. She also has a continuing full workload of conducting discovery
3 and briefing for two EEOC cases the rest of February and March.

4 Despite Defendant's counsel's efforts to be diligent and her extending other cases to
5 facilitate her finishing this case and other pressing deadlines, she still needs more time to prepare
6 Defendant's response to Plaintiff's Statement of the Record, which Defendant does not agree with
7 and must provide a detailed corresponding statement of fact, which has proven to be more time-
8 consuming than anticipated – as well as prepare her cross-motion for summary judgment and
9 opposition to Plaintiff's motion for summary judgment.

10 Because of the factors described above, defense counsel is requesting additional time up
11 to March 18, 2016, to fully review the administrative record and prepare her statement of the
12 administrative record and research the issues presented by Plaintiff's memorandum in support of
13 Plaintiff's motion for summary judgment. Defendant apologizes for any inconvenience caused by
14 the delay in the filing of Defendant's cross-motion and response to Plaintiff's motion for
15 summary judgment. This request is made in good faith with no intention to unduly delay the
16 proceedings.

17 On February 16, 2016, Defendant's counsel emailed Plaintiff's counsel Nancy McGee
18 regarding this request. Ms. McGee stated that she would not agree to a second extension.

19 Respectfully submitted,

20 MELINDA L. HAAG
21 United States Attorney

22 Dated: February 17, 2016

23 By s/ Carolyn B. Chen
24 CAROLYN B. CHEN
25 Special Assistant U.S. Attorney


26 Attorneys for Defendant

27 ORDER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO MOTION, IT IS SO ORDERED. All deadlines are adjusted accordingly.

DATED: February 24, 2016



HON. MARIA-ELENA JAMES
UNITED STATE MAGISTRATE JUDGE