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13 Attorneys for Defendant

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA

16 CAROLYN JOY WHEELER,	)	CIVIL ACTION NO. 09-03558-SBA
17 Plaintiff,	)	
18 v.	)	STIPULATION AND PROPOSED ORDER
19 MICHAEL J. ASTRUE,	)	FOR A FIRST EXTENSION FOR DEFENDANT
20 Commissioner of Social Security,	)	TO FILE ANSWER AND CERTIFIED
21 Defendant.	)	ADMINISTRATIVE RECORD
	)	

22 IT IS HEREBY STIPULATED, by and between the parties, through their respective  
 23 counsel of record, that Defendant shall have a first extension of time of 30 days to file an Answer  
 24 to Plaintiff’s Complaint, and the certified administrative record. Counsel for Defendant has been  
 25 informed that the Office of Disability Adjudication and Review (ODAR) has not prepared a  
 26 certified administrative record for this case because the recording of Plaintiff’s hearing is partially  
 27 or totally blank, which prevents ODAR from preparing the hearing transcript and certifying an  
 28 administrative transcript for Defendant to file with this Court. Counsel for Plaintiff is attempting  
 to determine whether he has a usable recording of the hearing. Should Plaintiff’s counsel be  
 unable to locate such a recording, or should ODAR continue to be unable to prepare a certified  
 administrative record in any event, Defendant will move for remand pursuant to sentence six of  
 42 U.S.C. section 405(g) for further administrative proceedings.

The current due date for Defendant’s Answer was August 16, 2010. The new due date

1 will be September 15, 2010. On or before that date, Defendant will either file an answer, move  
2 for remand pursuant to sentence six, or if necessary seek a further extension from this Court.  
3 Counsel for Defendant sincerely apologizes to the Court for any inconvenience caused by  
4 Defendant's failing to file the answer in a timely fashion.

5 Respectfully submitted,

6 Dated: August 19, 2010

/s/ James Hunt Miller  
(as authorized via e-mail)  
JAMES HUNT MILLER  
Attorney for Plaintiff

MELINDA L. HAAG  
United States Attorney

11 Dated: August 19, 2010

By s/ Daniel P. Talbert  
DANIEL P. TALBERT  
Special Assistant U.S. Attorney

Attorneys for Defendant

ORDER

17 APPROVED AND SO ORDERED:

18 DATED: 8/25/10

  
SAUNDRA B. ARMSTRONG  
UNITED STATE DISTRICT JUDGE