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8 Attorneys for Defendant

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

13 ALAN BRINKER, )  
 14 Plaintiff, )  
 15 v. )  
 16 MICHAEL J. ASTRUE, )  
 17 Commissioner of Social Security, )  
 18 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 5:10-3091-JF  
 STIPULATION AND ~~PROPOSED~~ ORDER  
 EXTENDING TIME TO FILE MOTIONS

19  
 20 At the Case Management Conference held on January 28, 2011, the Court ordered Defendant to  
 21 file a motion for summary judgment, and permitted Plaintiff to file a motion to amend if he so desired,  
 22 within 45 days. The parties subsequently conferred and Plaintiff has provided Defendant with additional  
 23 documentary evidence regarding his claim. This new evidence raises a possibility of settlement but  
 24 requires further investigation by Defendant.

25 Accordingly, the parties hereby stipulate, with the Court's approval as indicated by issuance of  
 26 the attached Order, that the parties shall have an extension of time, up to 90 days from the date of the  
 27 Order, for Defendant to file a motion for summary judgment and for Plaintiff's optional motion to  
 28 amend the complaint.

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Respectfully submitted,

Dated: February 4, 2011

By: /s/ Alan Brinker  
(As authorized via email)  
ALAN BRINKER  
Plaintiff

Dated: February 4, 2011

By: /s/ Brenda M. Pullin  
BRENDA M. PULLIN  
Special Assistant U.S. Attorney  
Counsel for Defendant

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/22/11

  
HONORABLE JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that, on February 4, 2011, I caused one copy of the foregoing document to be  
3 served upon Plaintiff, by United States mail, at the address set forth below.

4 Alan Brinker  
5 980 Michelangelo  
6 Sunnyvale, CA 94087

7 Dated: February 4, 2011

By: /s/ Brenda M. Pullin  
BRENDA M. PULLIN

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