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 9
 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 DARREN D. CAUDILL,
 13 Plaintiff,

14 vs.

15 KILOLO KIJAKAZI,
 Commissioner of Social Security,¹
 16 Defendant.

)
) Case No.: 2:20-cv-02148-VCF

) **UNOPPOSED MOTION FOR EXTENSION OF**
) **TIME FOR DEFENDANT TO FILE HER**
) **CROSS-MOTION TO AFFIRM AND**
) **RESPONSE TO PLAINTIFF'S MOTION FOR**
) **REVERSAL AND/OR REMAND**
) **(FIRST REQUEST)**

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 25 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule
 26 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for
 Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason
 of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, the Acting Commissioner of Social Security (the “Commissioner”), through the
2 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and Response
3 to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner
4 respectfully states as follows:

5 1. Primary responsibility for handling this case has been delegated to the Office of the
6 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

7 2. Defendant’s response to Plaintiff’s opening brief is currently due September 13, 2021.
8 Defendant has not previously requested an extension of time for this deadline.

9 3. The Region IX Office currently handles all district and circuit court litigation involving the
10 Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

11 4. The Region IX Office employs 47 staff attorneys, of whom 27 handle civil litigation
12 involving the Social Security program in these eight assigned jurisdictions, at least part-time. Between
13 July 15, 2021, and August 14, 2021, the Region IX Office has 247 district court briefs due in the
14 jurisdictions it handles. In addition, the Region IX Office has five appellate cases requiring briefing before
15 the United States Court of Appeals for the Ninth Circuit during that period.

16 5. In addition to this “program” litigation, the 27 staff attorneys in the Region IX Office
17 maintain other workload responsibilities, with most of them dedicating 40 percent or more of their time to
18 these workloads. The Region IX Office provides a full range of legal services as counsel for the Social
19 Security Administration, in a region that covers four states (including the most populous state in the nation)
20 and three territories. These other workloads include employment litigation; civil rights investigations;
21 bankruptcy matters; and requests for legal advice on wide-ranging topics, including employee conduct and
22 performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure,
23 torts, property, and contracts.

24 6. The undersigned attorney has had 16 briefs due in district court cases over the last 30 days,
25 some of which had prior extensions.

26 7. The undersigned attorney resigned from her position as an Assistant Regional Counsel for
Social Security and Special Assistant United States Attorney effective September 10, 2021.

1 8. Due to the volume of the overall workload within the Region IX Office, neither the
2 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
3 briefing by the current due date. Therefore, Defendant seeks an extension of 45 days, until October 28,
4 2021, to respond to Plaintiff's motion.

5 8. This request is made in good faith and is not intended to delay the proceedings in this matter.

6 9. On August 24, 2021, counsel for Defendant conferred with Plaintiff's counsel, who has no
7 opposition to this motion.

8 WHEREFORE, Defendant requests until October 28, 2021, to respond to Plaintiff's Motion for
9 Reversal and/or Remand.

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Dated: September 9, 2021

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ S. Wyeth McAdam
S. WYETH McADAM
Special Assistant United States Attorney

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 9-9-2021

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CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED] MOTION FOR EXTENSION OF TIME** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Cyrus Safa
Law Offices of Lawrence D. Rohlring
Email: cyrus.safa@rohlringlaw.com

Leonard Stone
710 S Fourth Street
Email: lstone@shookandstone.com

Attorneys for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

September 9, 2021

/s/ S. Wyeth McAdam
S. WYETH McADAM
Special Assistant United States Attorney