

1 CHRISTOPHER CHIOU
 2 Acting United States Attorney
 3 District of Nevada
 Nevada Bar No. 14853

4 ALLISON J. CHEUNG, CSBN 244651
 5 Special Assistant United States Attorney
 160 Spear Street, Suite 800
 6 San Francisco, California 94105
 Telephone: (415) 977-8911
 7 Facsimile: (415) 744-0134
 E-Mail: allison.cheung@ssa.gov

8 Attorneys for Defendant

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

13 DWIGHT STEWART,)
 14 Plaintiff,)
 15 vs.)
 16 KILILO KIJAKAZI,)
 Acting Commissioner of Social Security,)
 17 Defendant.)
 18

) Case No.: 2:21-cv-01532-EJY
) **UNOPPOSED MOTION FOR EXTENSION OF**
) **TIME TO FILE CERTIFIED**
) **ADMINISTRATIVE RECORD AND ANSWER**
) **(FIRST REQUEST)**

19
 20
 21
 22
 23
 24
 25
 26

1 Defendant, Kilolo Kijakazi, Acting Commissioner of Social Security (the “Commissioner”), by
2 and through her undersigned attorneys, hereby moves for a 60-day extension of time to file the Certified
3 Administrative Record (CAR) and answer to Plaintiff’s Complaint. The CAR and answer to Plaintiff’s
4 Complaint are due to be filed by November 29, 2021. This is the Commissioner’s first request for an
5 extension of time. In support of this request, Defendant states the following:

6 1. The COVID-19 pandemic significantly impacted Defendant’s operations, and particularly
7 the Office of Appellate Operations (OAO).¹ Beginning in mid-March 2020, OAO’s staff members began
8 to telework to protect employee health and prevent the spread of COVID-19. As a result, critical in-person
9 physical tasks associated with preparing CARs could not be accomplished. To ensure continuity of
10 operations, OAO redesigned its business practices to allow for a mostly virtual preparation process. The
11 transition required, among other things, OAO to modify and test technology, retrain staff, and modify
12 blanket purchasing agreements with the transcription typing services relied upon to prepare transcripts of
13 agency hearings. OAO has continued to innovate in order to improve productivity.

14 2. In addition to the impact the COVID-19 pandemic has had on physical operations, a major
15 contributing factor to OAO operations was a substantial increase in district court filings. New case receipts
16 during the last quarter of FY 2020 and the first quarter of FY 2021 increased (on average) to 2,257 case
17 receipts per month, as compared to 1,458 per month for the same period one year before.

18 3. As of the end of September 2021, OAO had approximately 1,500 pending new court cases,
19 representing a decrease in the backlog of more than 9,500 cases since January 2021.

20 4. There remains, however, a backlog of cases to be processed, including this case. The
21 undersigned has communicated with OAO on the CAR in this case, and OAO informed the undersigned
22 that a branch office must close out this case in the system before OAO can establish and prepare the CAR.
23 OAO anticipates the CAR can be completed within 60 days, if not sooner, so this amount of time is
24 requested out of an abundance of caution. Defendant does not anticipate needing another extension at this

25 _____
26 ¹ OAO is based in Falls Church, Virginia, and is the office responsible for physically producing the
certified administrative records for cases nationwide that are filed under Sections 205(g) and (h) of the
Social Security Act, 42 U.S.C. § 405(g) and (h).

1 time.

2 Accordingly, Defendant requests an extension in which to respond to the Complaint until January
3 28, 2022. If Defendant is unable to produce the certified administrative record necessary to file an
4 Answer in accordance with this Order, Defendant shall request an additional extension prior to the due
5 date.

6 On November 18, 2021, the undersigned conferred with Plaintiff's counsel, who has no opposition
7 to the requested extension.

8 It is therefore respectfully requested that Defendant be granted an extension of time to file the CAR
9 and answer to Plaintiff's Complaint, through and including January 28, 2022.

10
11 Dated: November 19, 2021

12 CHRISTOPHER CHIOU
Acting United States Attorney

13 /s/ Allison J. Cheung
14 ALLISON J. CHEUNG
Special Assistant United States Attorney

15
16
17 IT IS SO ORDERED:

18 
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: November 19, 2021
21
22
23
24
25
26