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15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 TANICIA DANIELLE WHITELEY,

18 Plaintiff,

19 v.  
20 KILOLO KIJAKAZI,  
21 Commissioner of Social Security,<sup>1</sup>

22 Defendant.

23 ) Case No.: 3:21-cv-00191-CLB

24 )  
25 ) **UNOPPOSED MOTION FOR**  
26 ) **EXTENSION OF TIME**  
27 ) **(FIRST REQUEST)**

28  
29 Defendant, the Commissioner of Social Security (the “Commissioner”), through the  
30 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and  
31 Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the  
32 Commissioner respectfully states as follows:

33  
34  
35 <sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to  
36 Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore,  
37 for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by  
38 reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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

2. Defendant's response to Plaintiff's opening brief is currently due May 11, 2022. Defendant has not previously requested an extension of time for this deadline.

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

4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the attorneys who handle program litigation cases have additional responsibilities, such as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior attorneys, conducting trainings, and participating in national workgroups. In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing caseloads.

5. In addition to “program” litigation, the Region IX Office provides a full range of legal services as counsel for the Social Security Administration, in a region that covers four states (including the most populous state in the nation) and three territories. These other workloads include employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including Regional office client requests for advice on program issues, employee conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX Office has had to focus its efforts on processing only other workloads that are subject to statutory, regulatory, and court deadlines.

6. The undersigned attorney has nine briefs due in district court cases over the next month, as well as two appellate briefs due to the Ninth Circuit Court of Appeals.

1       7.     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 of May 11, 2022. Therefore, Defendant seeks an extension of 30 days,  
4 until June 10, 2022, 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  
6 matter.

7       9.     On May 5, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has no  
8 opposition to this motion.

9           WHEREFORE, Defendant requests until June 10, 2022, to respond to Plaintiff's Motion for  
10 Reversal and/or Remand.

11  
12       Dated: May 6, 2022

Respectfully submitted,

13           CHRISTOPHER CHIOU  
14           Acting United States Attorney

15           \_\_\_\_\_  
16           /s/ *Christopher J. Bella* \_\_\_\_\_  
17           CHRISTOPHER J. BELLA  
18           Special Assistant United States Attorney

19           IT IS SO ORDERED:

20           \_\_\_\_\_  
21           UNITED STATES MAGISTRATE JUDGE  
22           \_\_\_\_\_  
23           DATED: May 6, 2022

## **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 (FIRST REQUEST)** 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:

Hal Taylor  
haltaylorlawyer@gbis.com  
Attorney for Plaintiff

Dated: May 6, 2022

*/s/ Christopher J. Bella*  
CHRISTOPHER J. BELLA  
Special Assistant United States Attorney