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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

,)	No. (PLA)
Plaintiff,)	
v.)	CASE MANAGEMENT ORDER
)	[Social Security]
JO ANNE B. BARNHART, Commissioner of Social Security Administration,)	
Defendant.)	

In accordance with General Order 05-01, this case is designated for electronic filing.

In order to facilitate the just, speedy, and inexpensive determination of this case, the parties shall comply with the following instructions.

I. Service of the Summons and Complaint

Plaintiff shall promptly serve the summons and complaint on the Commissioner in the manner required by Rule 4(i) of the Federal Rules of Civil Procedure. Such service shall consist of sending a copy of the summons and complaint by registered or certified mail to each of the following: (a) the United States Attorney for the Central District of California, or his or her authorized agent, addressed to the civil process clerk at the Office of the United States Attorney, Civil Division, Room 7516, Federal Building, 300 North Los Angeles Street, Los Angeles,

1 California 90012; (b) the Commissioner of Social Security in Washington, D.C.; and (c) the
2 Attorney General of the United States in Washington, D.C. Plaintiff shall electronically file a proof
3 of service showing compliance with this paragraph within twenty-eight (28) days after the filing of
4 the complaint.¹ Failure to comply with this paragraph may result in dismissal of this case.
5

6 **II. Motion to Dismiss**

7 Any motion to dismiss the complaint shall be electronically filed in accordance with the
8 rules governing noticed motions; provided, however, that the motion shall be deemed submitted
9 on the basis of the papers timely filed as of the hearing date, without oral argument, unless the
10 Court orders otherwise. See Fed.R.Civ.P. 7 and 12; C.D. Cal. Local Rules 7 and 12. **Courtesy**
11 **copies of the motion and supporting papers, the opposition papers, and the reply papers,**
12 **with the Notice of Electronic Filing attached, shall either (a) be delivered to the Magistrate**
13 **Judge’s chambers (Room 926, Spring Street Courthouse) no later than 4:00 pm on the next**
14 **court day, or (b) shall be mailed to the Magistrate Judge at 312 N. Spring Street, Los**
15 **Angeles, CA 90012, no later than the next court day.**
16

17 **III. Service of Administrative Record and Notice Thereof**

18 The Commissioner shall have one hundred and twenty (120) days from the date of service
19 of the complaint in which to serve a complete copy of the certified administrative record on plaintiff
20 and electronically file a notice of service with the Court.
21 /
22 /
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24 _____

25 ¹ If this Case Management Order is electronically filed prior to service of the summons and
26 complaint, plaintiff shall serve a copy of this order concurrently with the summons and complaint.
27 If this order is electronically filed after the service of the summons and complaint, plaintiff shall
28 serve a copy of it by first-class mail on the Office of the United States Attorney within fourteen (14)
days from the date the order is electronically filed, and plaintiff shall promptly electronically file a
proof of service with the Court.

1 **IV. Discovery and Pre-trial Proceedings**

2 No discovery or other pre-trial proceedings not authorized by this order shall be conducted
3 without leave of court. In particular, no motion for summary judgment shall be filed. The decision
4 in this case will be made on the basis of the pleadings, the administrative record, and the Joint
5 Stipulation filed by the parties. In accordance with Rule 12(c) of the Federal Rules of Civil
6 Procedure, the Court will determine which party is entitled to judgment under the standards set
7 forth in 42 U.S.C. § 405(g).
8

9 **V. Mandatory Settlement Procedures**

10 The parties shall engage in good faith settlement negotiations to resolve the matter,
11 according to the following schedule.

12 A. Within twenty-one (21) days of the date of service of a copy of the administrative
13 record, plaintiff shall prepare and deliver to the Assistant United States Attorney ("AUSA")
14 representing the Commissioner a written and detailed proposal of settlement. Plaintiff shall
15 transmit a copy of the settlement proposal to:

16
17 Social Security Administration
18 Office of the General Counsel
19 Office of the Regional Chief Counsel, Region IX
20 Attn: Early Review Program
333 Market Street, Suite 1500
San Francisco, CA 94105
Telephone: (415) 977-8943
Facsimile: (415) 744-0134

21 B. Within twenty-eight (28) days of receipt of the written settlement proposal, the
22 Commissioner shall evaluate the merits of plaintiff's contentions and confer with plaintiff's counsel
23 in writing by mail or facsimile transmission.

24 C. Within seven (7) days after the service on plaintiff of the Commissioner's written
25 response to the settlement proposal, one of the following actions shall occur:

26 1. The parties shall electronically file a stipulation dismissing, remanding, or
27 otherwise resolving the case;
28

1 2. The parties shall electronically file a Joint Status Report advising the Court
2 that they are exercising their option to extend the due dates an additional fourteen (14)
3 days for continued settlement discussions (such extension is automatic upon filing of the
4 Joint Status Report). Within fourteen (14) days after the electronic filing of a Joint Status
5 Report, the parties shall comply with either paragraph 1 or 3; or,

6 3. The Commissioner shall electronically file an answer (or a noticed motion to
7 remand).

8 4. The certified administrative record shall be manually filed with the Clerk and
9 served upon the parties in the traditional manner. A Notice of Manual Filing and Service
10 of the Administrative Record, Form G-92, shall be electronically filed.

11
12 **VI. Joint Stipulation**

13 If the parties cannot resolve the matter in settlement discussions (and there is no motion
14 to dismiss or motion to remand pending before the Court), the parties shall electronically file a
15 Joint Stipulation in the manner, and according to the schedule, set forth below. The parties shall
16 cooperate in preparing the Joint Stipulation, and sanctions may be imposed for any failure to
17 cooperate. A Joint Stipulation that is not signed by counsel for both parties may be rejected and
18 stricken by the Court. A Joint Stipulation that is electronically filed, but that is not prepared in the
19 manner required by this order, may be stricken, in which event the parties will be required to cure
20 the defects by electronically filing an Amended Joint Stipulation.

21
22 **VII. Content of Joint Stipulation**

23 The Joint Stipulation shall include a brief summary of the case, the parties' positions with
24 respect to the Administrative Law Judge's ("ALJ") summary of the material medical evidence and
25 testimony of record, a statement of the disputed issues, the parties' contentions with respect to
26 each disputed issue, and the parties' statements of the relief requested. Any issue not raised in
27 the Joint Stipulation may be deemed to have been waived. The Court is familiar with the standard
28 of review and the sequential evaluation process, so the parties should avoid boilerplate

1 discussions of the governing legal standards. Rather, the parties should focus on applying
2 relevant and controlling legal authority to the facts germane to each disputed issue.² When citing
3 cases, statutes, regulations, Social Security Rulings, medical and vocational reference sources,
4 or other legal authority to support their legal arguments, the parties shall provide complete and
5 accurate citations to the portions of those authorities relied upon. The parties shall also specify
6 the evidence upon which they rely to support their contentions, and provide accurate page
7 citations to the administrative record for all evidence relied upon ["AR ____"]. In addition, all
8 medical terminology (including medical conditions, diagnoses, procedures, tests, anatomical
9 references, and pharmaceuticals) shall be defined in terms understandable to a layperson,
10 preferably by citation to a medical dictionary or glossary from a standard reference work. The
11 parties may not supplement the record beyond definition of technical terms.

12
13 **VIII. Form of Joint Stipulation**

14 The Joint Stipulation shall be prepared in the following format, and shall comply with the
15 local rules governing form and typeface:

16 A. Summary of the Case

17 Plaintiff shall provide a brief summary of the background facts and procedural history. The
18 Commissioner need not respond to plaintiff's summary, unless the Commissioner believes that
19 plaintiff's summary misstates, mischaracterizes or omits any material facts or proceedings.

20 B. Medical Evidence

21 1. Plaintiff shall state whether plaintiff will stipulate that the ALJ's decision fairly
22 and accurately summarizes the material medical evidence and testimony of record. If not,
23 plaintiff shall either (a) specify the respects in which plaintiff contends the ALJ's decision
24 misstates, mischaracterizes, or omits any of the material medical evidence and/or

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² The parties should cite only controlling case authority (i.e., decisions of the United States
28 Supreme Court or the Ninth Circuit Court of Appeals). If there is no controlling authority, the
decisions of other courts may be cited.

1 testimony of record, or (b) state that the contentions of misstatement, mischaracterization,
2 or omission are addressed in the argument in support of the Joint Stipulation.

3 2. The Commissioner shall state whether the Commissioner will stipulate that
4 the ALJ's decision fairly and accurately summarizes the material medical evidence and
5 testimony of record. If not, the Commissioner shall either (a) specify the respects in which
6 the Commissioner contends that the ALJ's decision misstates, mischaracterizes, or omits
7 any of the material medical evidence and/or testimony of record, or (b) state that the
8 contentions of misstatement, mischaracterization, or omission are addressed in the
9 argument in support of the Joint Stipulation.

10 C. Statement of Disputed Issues

11 Plaintiff shall identify and frame, in a neutral fashion, each of the disputed issues that
12 plaintiff is raising as the grounds for reversal and/or remand. [Example: "Issue No. 1 – Whether
13 the ALJ properly evaluated plaintiff's subjective complaints of pain."]

14 D. Issues and Contentions

15 1. Issue No. 1 [The heading shall conform to the first issue listed in the
16 Statement of Disputed Issues.]

17 a. Plaintiff's Contentions Regarding Issue No. 1 [Plaintiff shall concisely
18 set forth plaintiff's contentions (including citations to the page(s) of the
19 administrative record where cited evidence is found, complete citations to relevant
20 legal authority, and definitions of medical terminology).]

21 b. The Commissioner's Contentions Regarding Issue No. 1 [The
22 Commissioner shall concisely set forth The Commissioner's contentions (including
23 citations to the page(s) of the administrative record where cited evidence is found,
24 complete citations to relevant legal authority, and definitions of medical
25 terminology).]

26 c. Plaintiff's Reply Regarding Issue No. 1 [Plaintiff may, but is not
27 required to, reply to the contentions actually raised by the Commissioner; provided,
28 however, that any such reply does not exceed 56 continuous lines of text per issue.]

2. Issue No. 2, etc. [Repeat the foregoing format as needed.]

E. Relief Requested

1. Plaintiff's statement of relief requested.

2. The Commissioner's statement of relief requested.

IX. Schedule for Preparation and Filing of Joint Stipulation

The Joint Stipulation shall be prepared and electronically filed according to the following schedule:

A. Within twenty-one (21) days of the filing of the answer, plaintiff's counsel shall prepare and deliver to the AUSA a draft of plaintiff's portions of the Joint Stipulation (prepared as described in section VIII, paragraphs A, B, C, D subparagraph a, and E). Plaintiff's counsel shall provide the AUSA and the Office of Regional Counsel with a printed copy of plaintiff's portions of the Joint Stipulation and a computer-readable copy on diskette or via e-mail. The draft of plaintiff's portions of the Joint Stipulation shall comply with the format and content requirements set forth elsewhere in this order.

B. Within twenty-eight (28) days of the date on which plaintiff's counsel provides the AUSA and the Office of Regional Counsel with the draft of plaintiff's portions of the Joint Stipulation, the Commissioner shall provide to plaintiff's counsel the Commissioner's portions of the Joint Stipulation and shall deliver a printed and computer-readable copy of the Commissioner's portions of the Joint Stipulation to plaintiff's counsel. [The Court recognizes that differing word-processing platforms make incorporation of the entire Joint Stipulation into a single electronic document difficult. If the parties do not use the same word-processing platform, the parties may break the Joint Stipulation into different sections on different pages as necessary.]

C. Within fourteen (14) days after the Commissioner provides plaintiff's counsel with the Commissioner's portions of the Joint Stipulation, plaintiff's counsel shall incorporate into the Joint Stipulation any reply that plaintiff may wish to make to the Commissioner's contentions, and shall deliver a completed copy of the Joint Stipulation signed by plaintiff to the AUSA for review, signature and electronic filing. [See paragraph B regarding incorporation and breaking of

1 document.] Plaintiff shall not use the reply to raise new issues that the Commissioner has not had
2 an opportunity to address.

3 D. Within three (3) days of delivery by plaintiff's counsel of the signed Joint Stipulation,
4 the AUSA shall sign and electronically file the Joint Stipulation. **A courtesy copy of the Joint**
5 **Stipulation, with the Notice of Electronic Filing attached, shall either (a) be delivered to the**
6 **Magistrate Judge's chambers (Room 926, Spring Street Courthouse) no later than 4:00 pm**
7 **on the next court day, or (b) shall be mailed to the Magistrate Judge at 312 N. Spring Street,**
8 **Los Angeles, CA 90012, no later than the next court day.**

9
10 **X. Requests for Extensions of Time**

11 The deadlines set forth in this order are designed to give parties exercising reasonable
12 diligence sufficient time to perform the required acts without seeking extensions of time.
13 Accordingly, requests for extensions of time are discouraged. Any such request shall set forth
14 specific facts showing that additional time is needed despite diligent attempts to meet a deadline.
15 Requests for extensions of time shall be electronically filed at least three (3) days before the
16 deadline that is the subject of the request. Whenever possible, a request for extension of time
17 should be made in the form of a proposed stipulated order.

18
19 **XI. Oral Argument**

20 Unless otherwise ordered, the issues presented in any Joint Stipulation shall be deemed
21 submitted for decision without oral argument.

22
23 **XII. Motions and Petitions for Attorney Fees**

24 **A. Equal Access to Justice Act**

25 1. Any motion or petition for attorney fees, costs, and expenses shall be
26 made in accordance with 28 U.S.C. § 2412 (EAJA). Plaintiff shall electronically file
27 a notice of any motion or petition for attorney fees, costs, and expenses under the
28 EAJA and manually serve a copy on the Office of Regional Counsel. **A courtesy**

1 **copy of the motion or petition and supporting papers, with the Notice of**
2 **Electronic Filing attached, shall either (a) be delivered to the Magistrate**
3 **Judge's chambers (Room 926, Spring Street Courthouse) no later than 4:00 pm**
4 **on the next court day, or (b) shall be mailed to the Magistrate Judge at 312 N.**
5 **Spring Street, Los Angeles, CA 90012, no later than the next court day.**

6 2. The Commissioner shall have a period of twenty-one (21) days from
7 the date of electronic filing of the motion or petition within which to electronically file
8 the Commissioner's opposition to the motion or petition. **A courtesy copy of the**
9 **Commissioner's opposition papers, with the Notice of Electronic Filing**
10 **attached, shall either (a) be delivered to the Magistrate Judge's chambers**
11 **(Room 926, Spring Street Courthouse) no later than 4:00 pm on the next court**
12 **day, or (b) shall be mailed to the Magistrate Judge at 312 N. Spring Street, Los**
13 **Angeles, CA 90012, no later than the next court day.**

14 3. If the Commissioner believes that there is a possibility of arriving at a
15 settlement with plaintiff of the fees, costs and expenses issue, the parties shall
16 electronically file a stipulation to extend the time for the Commissioner to file an
17 opposition for the purpose of affording the parties an opportunity to discuss
18 settlement. Any such stipulated extension shall be electronically filed prior to the
19 date the Commissioner's opposition is due, and the stipulated extension shall be for
20 no more than thirty (30) days.

21 4. Assuming either that there is no extension to discuss settlement or that
22 no settlement is reached after such an extension, plaintiff may electronically file a
23 reply to the Commissioner's opposition within ten (10) days of service thereof. **A**
24 **courtesy copy of the reply papers, with the Notice of Electronic Filing attached,**
25 **shall either (a) be delivered to the Magistrate Judge's chambers (Room 926,**
26 **Spring Street Courthouse) no later than 4:00 pm on the next court day, or (b)**
27 **shall be mailed to the Magistrate Judge at 312 N. Spring Street, Los Angeles,**
28 **CA 90012, no later than the next court day.**

1 5. The matter will stand submitted pursuant to Local Rule 7-15 as of the
2 date of the last filing.

3 B. 42 U.S.C. § 406(b)

4 1. Any motion or petition for attorney fees pursuant to 42 U.S.C. § 406(b)
5 shall be made by plaintiff's counsel within a reasonable time after the publication of
6 a notice by the Commissioner allowing the Court to determine the maximum
7 allowable fee under that provision. The motion or petition shall include a statement
8 by plaintiff's counsel indicating the amount of EAJA fees and/or 42 U.S.C. § 406(a)
9 fees awarded and/or requested.

10 2. Plaintiff's counsel shall electronically file a motion or petition for
11 attorney fees pursuant to 42 U.S.C. § 406(b) and manually serve copies on the
12 Office of Regional Counsel and on the plaintiff. Plaintiff's counsel shall state in any
13 notice that plaintiff may file any statement or opposition with the Court not more than
14 fourteen (14) days after service of the motion [petition], and that any statement or
15 opposition filed by plaintiff shall be served on both plaintiff's counsel and the AUSA.
16 **A courtesy copy of the motion or petition and supporting papers, with the**
17 **Notice of Electronic Filing attached, shall either (a) be delivered to the**
18 **Magistrate Judge's chambers (Room 926, Spring Street Courthouse) no later**
19 **than 4:00 pm on the next court day, or (b) shall be mailed to the Magistrate**
20 **Judge at 312 N. Spring Street, Los Angeles, CA 90012, no later than the next**
21 **court day.**

22 3. The Commissioner shall electronically file any statement or opposition
23 not more than fourteen (14) days after service of the motion or petition, and also
24 manually serve a copy on the plaintiff. **A courtesy copy of the Commissioner's**
25 **statement or opposition papers, with the Notice of Electronic Filing attached,**
26 **shall either (a) be delivered to the Magistrate Judge's chambers (Room 926,**
27 **Spring Street Courthouse) no later than 4:00 pm on the next court day, or (b)**
28

1 shall be mailed to the Magistrate Judge at 312 N. Spring Street, Los Angeles,
2 CA 90012, no later than the next court day.

3 4. Plaintiff's counsel may electronically file a reply in support of the motion
4 or petition within seven (7) days of service of any statement or opposition, and also
5 manually serve a copy on the plaintiff. **A courtesy copy of the reply papers, with**
6 **the Notice of Electronic Filing attached, shall either (a) be delivered to the**
7 **Magistrate Judge's chambers (Room 926, Spring Street Courthouse) no later**
8 **than 4:00 pm on the next court day, or (b) shall be mailed to the Magistrate**
9 **Judge at 312 N. Spring Street, Los Angeles, CA 90012, no later than the next**
10 **court day.**

11 5. The matter will stand submitted pursuant to Local Rule 7-15 as of the
12 date the last filing is due.

13
14 **IT IS SO ORDERED.**

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16 DATED: June ____, 2005

17 _____
18 PAUL L. ABRAMS
19 UNITED STATES MAGISTRATE JUDGE
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