

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

_____)	CASE NO. _____
)	
Plaintiff,)	JUDGE _____
)	
v.)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	<u>ORDER</u>

This action brought pursuant to 42 U.S.C. § 405(g) and being before this Court either for entry of a Report and Recommended Decision or, upon consent of the parties for entry of final judgment, **IT IS HEREBY ORDERED:**

1. Plaintiff's counsel shall (a) immediately fax (216-522-4982) or email (marsha.treacey@usdoj.gov) to Marsha Tracey, Social Security Paralegal, for the U.S. Attorney's Office, Northern District of Ohio, the case name, case number and plaintiff's social security number and, (b) shall file a certificate with this Court confirming that such notice has been sent.

2. The defendant is granted a maximum of 60 days from the date of receiving service of the complaint to file an answer and administrative record. **No extensions** will be granted beyond the expiration of the 60-day period **except upon a showing of good cause for extraordinary circumstances. IN ACCORDANCE WITH LOCAL RULE 8.1 (d),**

**TRANSCRIPTS OF THE ADMINISTRATIVE RECORD ARE NOT AVAILABLE
ONLINE AND MAY BE FILED WITHOUT REDACTION.**

3. Within thirty (30) days of the filing of the answer and transcript, the plaintiff shall go forward with his/her primary submission. That pleading shall be no more than a total of twenty-five (25) pages in length with 12pt font and one inch page margins. It shall be captioned **“Plaintiff’s Brief On The Merits,”** shall state with particularity the grounds for any relief sought and the legal arguments in support, and shall conclude with a statement of the relief sought. **No extension beyond that date will be granted other than on motion demonstrating good cause.**

4. In the event the plaintiff’s brief on the merits is not filed within thirty (30) days after the answer (and a motion for extension has not been granted), the case may be subject to dismissal for want of prosecution without further notice.

5. The defendant’s response to the plaintiff’s submission shall be filed within thirty (30) days thereafter. It shall be no more than a total of twenty-five (25) pages in length with 12pt font and one inch page margins, and shall be captioned **“Defendant’s Brief On The Merits.”** If no submission is filed within that time (and a motion for extension has not been granted), review will be undertaken based upon the plaintiff’s brief only. **No extension beyond that date will be granted other than on motion demonstrating good cause.**

6. If the plaintiff chooses to respond to the defendant’s brief, the plaintiff shall file a reply brief of not more than ten pages within fourteen (14) days from the filing of the defendant’s brief. It shall be no more than a total of ten (10) pages in length with 12pt font and one inch page margins, and shall be captioned **“Plaintiff’s Reply Brief.”**

PLEASE NOTE:

Plaintiff should be mindful of Rule 16.3.1 of the Local Rules of the United States District Court for the Northern District of Ohio. Among other things, the Local Rule states that, Plaintiff "shall cause the summons and complaint to be served upon the defendant in the manner specified by Fed. R. Civ. P. 4(i) within 21 days (21) of the date of filing the complaint with the Clerk of Court." N.D. Ohio LR 16.3.1(b).

Plaintiff's brief shall first set forth a list of "Legal Issues," followed by a recitation of "Facts" in a "Facts" section, and then an "Argument" or "Analysis" section. **In the "Facts" section, the brief shall cite, by exact and specific transcript page number, the pages relating to these facts.** For example, a citation to a medical finding contained on a single page of a 20 page Exhibit must cite to the specific page, not generally to the 20 pages of the Exhibit. **All facts relevant to the legal issues and discussion must be set forth in the "Facts" section.** Defendant's brief shall specifically address the legal issues and facts cited by plaintiff and **shall cite, by exact and specific transcript page number, all relevant facts in a "Facts" section.** The "Facts" section of both briefs shall accurately recite the record without argument, coloring, or "spin." The arguments should be in the "Argument" or "Analysis" section of the brief, not in the "Facts" section, and shall be preceded by headings identifying the claimed errors.

The parties are expected to fully and fairly present to the Court all relevant evidence in the record, both favorable and unfavorable. A full recitation of all relevant evidence should be presented. Briefs shall cite concisely the relevant statutory and case law supportive of the party's position. **Any facts recited in support of the "Argument" or**

“Analysis” section of the brief must also be set forth in the “Facts” section of the brief.

Any factual allegations or arguments relying upon the record that either do not cite to the record or are unsupported by the record citation will not be considered by the Court.

Date: _____

s/ Jonathan D. Greenberg
JONATHAN D. GREENBERG
U.S. MAGISTRATE JUDGE