

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

)	CASE NO.
)	
)	
PLAINTIFF,)	JUDGE _____
)	
vs.)	MAGISTRATE JUDGE
)	KATHLEEN B. BURKE
)	
COMMISSIONER OF SOCIAL)	
SECURITY ADMINISTRATION,)	
)	
DEFENDANT.)	ORDER

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 that:

1. Plaintiff's counsel, (a) shall immediately fax (216-522-4982) or email (marsha.treacey@usdoj.gov) to Marsha Treacey, 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. Defendant's Answer, the transcript of the administrative record and the parties' briefs shall be filed in accordance with Local Rule 16.3.1, including but not limited to the schedule set forth in that Rule.

If requested, a party's request for an extension of the time periods set forth in Local Rule 16.3.1 will be granted only except upon a showing of good cause. Further, any request for an extension of time should be filed at least five (5) days prior to a due date for filing and failure to do so may result in denial of the request for extension.

In accordance with Local Rule 8.1(d), transcripts of the administrative record are not available online and may be filed without redaction.

3. Plaintiff's brief shall first set forth a list of "Legal Issues," followed by a recitation of "Facts," 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 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 of the Exhibit, not to the Exhibit as a whole. 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.

The parties are expected to fully and fairly present to the Court all relevant evidence in the record, both favorable and unfavorable. For example, on issues involving an evaluation of the weight of the evidence, a party should not cite only to the evidence either rejected or relied upon by the ALJ. 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 may not be considered by the Court.

4. All documents filed with the Court must comply with the Local Rules for the United States District Court for the Northern District of Ohio including Local Rule 10.1. Further, all documents filed in this action, whether electronically or by other means, shall be presented in the following form: all margins shall be at least one inch; the main text of all documents shall be at least 12-point, double-spaced non-condensed type (“non-condensed type” referring either to Times New Roman type or to another type that has no more than 80 characters to a line of text); footnotes and block quotations may be single-spaced; and footnotes may be in a different-size font, no smaller than a 10-point single-spaced type font. Compliance with the foregoing requirements will be judged in comparison with the Court’s own WordPerfect and Microsoft Word generated documents. Both paper documents and electronically-filed documents when printed out will be held to this standard. Nonconforming documents may be stricken, in the Court’s discretion.

Dated:

KATHLEEN B. BURKE
U.S. MAGISTRATE JUDGE