

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

[PLAINTIFF'S NAME],)	CASE NO. [Case No.]
)	
Plaintiff,)	JUDGE [DISTRICT JUDGE'S NAME]
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	ORDER
Defendant.)	

Brought under 42 U.S.C. § 405(g), this case comes before the Magistrate Judge under Local Rule 72.2(b)(1). The Commissioner has now filed the answer and the transcript.

To advance the disposition of this case, the Court hereby enters the following order:

- On or before [30 days after date of order], the plaintiff must file [his/her] brief on the merits including a completed fact sheet in the form attached. The brief must contain a separate section setting out each issue presented for decision by the Court. Specifically, the issue statement must identify the finding claimed not supported by substantial evidence and the reason why the plaintiff asserts a lack of substantial evidence. Some examples of issue statements that will conform to this order are as follows:
 - The ALJ found at step three that the plaintiff's impairments did not meet or equal Listing § _____. This finding lacks the support of substantial evidence because (brief summary of why substantial evidence does not support the finding).
 - The ALJ found at step four that the plaintiff had the residual functional capacity for _____. This finding lacks substantial evidence because (*e.g.*, the ALJ failed to give controlling weight to the evaluation of Dr. _____, a treating physician, and to give good reasons for the weight assigned that evaluation; the ALJ failed to include in the finding limitations caused by plaintiff's _____; or the ALJ

failed to properly evaluate the credibility of the plaintiff's complaints of _____).

With respect to each of the Commissioner's findings that the plaintiff claims does not have the support of substantial evidence, the argument section of the brief must contain specific references to the evidence in the transcript supporting [his/her] arguments. The plaintiff must also file an addendum to that brief consisting of a chart summarizing the evidence in the transcript supporting [his/her] arguments. The addendum must conform to the format attached to this order.¹ **PLEASE NOTE THAT UNDER THIS ORDER, THE PLAINTIFF MUST FILE THE FIRST BRIEF.**

- On or before [30 days after deft's due date], the Commissioner must file a brief on the merits. The brief must contain specific transcript references to the evidence that the Commissioner claims sustains the position that substantial evidence supports the decision at issue. That brief must also include as an addendum a chart summarizing the evidence that the Commissioner relies upon in support of his position. The addendum must conform to the format attached to this order.
- On or before [14 days after deft's due date], the plaintiff may file a reply brief.
- The Court will deem that the parties have waived reliance on any evidence not included in addenda to the briefs.
- The Court will grant no extensions of the deadlines set forth in this order except upon motion in strict compliance with Federal Rule of Civil Procedure 6(b).

¹ The form of addendum can be obtained by downloading the "pdf" version at www.ohnd.uscourts.gov; (1) click on "Judges," (2) click on "Magistrate Judge William H. Baughman;" (3) scroll down to Forms and click on ▼; (4) click on "Facts and Medical Evidence," which will open the form. The form of addendum can also be obtained by requesting it in WordPerfect 8 format from chambers by calling 216-357-7220. The document will be forwarded to requesting parties via e-mail.

IT IS SO ORDERED.

Dated: [date of order]

s/ William H. Baughman, Jr.
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Fact Sheet for Social Security Appeals: Plaintiff

Case Name: _____

Case No. _____

1. Type of application(s)*: _____

2. Date of application*: _____

3. Disability onset date*: _____

4. Date of expiration of insured status*: _____

5. Vocational factors:

Date of birth*: _____ Age*: _____ (at time of hearing)

Education (last grade completed)*: _____

Past work experience*: _____

Last work experience*: _____

6. Basis of ALJ's decision*: _____

(*E.g.*, nonsevere impairment, ability to perform past relevant work, grid, vocational testimony)

7. If the plaintiff bases the claim on a specific injury, state the specific injury*:_____

8. If the plaintiff bases the claim on a medical condition or disease, specify the condition or disease*:_____

9. If the plaintiff bases the claim on the opinion of a treating physician, summarize the opinion as it relates to the disability claimed only*:_____

Case Name: _____

Case No.: _____

FACTS - HEARING TESTIMONY		
Page No.	Witness	Details

Case Name: _____

Case No.: _____

Reports, opinions, or notes of physicians/professionals:		
Physician's/Professional's Name: _____		
Specialty: _____		
Classification: _____ Treating		
_____ Examining		
_____ Records Review Only		
Page No.	Date	Observation

Case Name: _____

Case No.: _____

Reports of medical tests:			
Page No.	Date	Test Performed	Results/Conclusion

Case Name: _____

Case No.: _____

Other medical evidence:			
Page No.	Date	Description	Details