

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

XXXXXXXX,  Plaintiff,  vs.  COMMISSIONER OF SOCIAL SECURITY,  Defendant.	CASE NO.  JUDGE Choose an item.  MAGISTRATE JUDGE DARRELL A. CLAY  INITIAL ORDER
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This action, brought pursuant to 42 U.S.C. § 405(g), has been referred to me for entry of a Report and Recommended Decision, or, with the consent of the parties, for entry of final judgment pursuant to Local Rule 16.3.1. To ensure a prompt and efficient decision on the issues presented,

IT IS HEREBY ORDERED that the parties are to comply with the following requirements:  
**Plaintiff’s Mandatory Notice to the Government:**

1. Pursuant to Local Rule 16.3.1(c), Plaintiff’s counsel must include in the complaint the last four digits of Plaintiff’s Social Security number. Immediately following filing of the complaint, the full Social Security number of the claimant, or the worker on whose wage record the application for benefits was filed, must be provided in a written disclosure statement to the United States Attorney’s Office via electronic mail at [usaohn.ssacompl@usdoj.gov](mailto:usaohn.ssacompl@usdoj.gov) and [ch.il.ogc.ndohio@ssa.gov](mailto:ch.il.ogc.ndohio@ssa.gov). Notice of this disclosure must be filed with the Court, either by separate filing or included as an allegation in Plaintiff’s Complaint. If the Plaintiff’s application for Social Security benefits was filed on another person’s wage record, that person’s Social Security number must also be included in the Complaint.

2. Plaintiff must cause the summons and complaint to be served on the defendant in the manner specified by Fed. R. Civ. P. 4(i) within 21 calendar days of the date of the filing of the complaint with the Clerk of Court.

**Answer and Administrative Record:**

3. Defendant is granted a maximum of 60 calendar days after notice of the complaint is served on it to file an answer and certified transcript of the administrative record.

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

**Plaintiff's Brief on the Merits:**

5. Plaintiff must file its Brief on the Merits within 45 calendar days of the filing of the Answer and Administrative Transcript. Pursuant to Local Rule 16.3.1(e)(4), that pleading must be no more than a total of 25 double-spaced pages in length, must be captioned as "Plaintiff's Brief on the Merits," and must conclude with a statement of the relief sought. While a 45-day period for filing is permitted under the Local Rules, submission should be filed at the earliest possible date it is completed.

6. If Plaintiff's Brief on the Merits is not filed within 45 calendar days after the answer, the case may be subject to dismissal for want of prosecution without further notice.

7. The Plaintiff must also file a supplement to its brief consisting of a chart summarizing the evidence in the transcript supporting its arguments. The supplement must be in a format substantially similar to the attachment to this Order.

**Defendant's Brief on the Merits:**

8. The Defendant's response to the Plaintiff's submission must be filed within 45 calendar days thereafter, must be no more than a total of 25 double-spaced pages in length, and must be captioned as "Defendant's Brief on the Merits." If no submission is filed within that time, review will be undertaken based on Plaintiff's Brief only. While a 45-day period for filing is allowed, this Court expects that such submission will be filed at the earliest possible date it is completed.

**Plaintiff's Reply Brief:**

9. If Plaintiff chooses to respond to Defendant's Brief, Plaintiff may file a reply brief of not more than 10 double-spaced pages within 14 calendar days from the filing of the Defendant's Brief. Plaintiff's reply brief must only address issues raised in Defendant's Brief and must not reiterate arguments previously presented.

**Extensions:**

10. This Court will not grant extensions of any filing deadlines except for good cause shown. Any request for an extension of time must be filed at least five calendar days prior to the filing deadline, or the request will be denied. If a party files a second (or subsequent) request for extension of any deadline, the request must be accompanied by an affidavit or declaration under oath setting forth extraordinary cause.

**Requirements for Briefs:**

11. Each party's brief must contain:

a. An enumerated **Statement of Legal Issues** involved in the case.

b. A **Statement of Facts** setting forth the facts essential to the determination of the action. The Brief must cite, by specific transcript page number, the pages relating these facts. *Citations to the Administrative Transcript must refer to the page number indicated at the lower right-hand corner of the document and not to the PageID # at the top of the document.* Each party's Statement of Facts must accurately recite the record without argument, coloring, or spin.

c. An **Argument** containing the party's analysis and advocacy concerning the issues to be decided. Plaintiff's Argument must address each of the Commissioner's findings that Plaintiff claims is not supported by substantial evidence by citing specific references to the evidence in the transcript supporting Plaintiff's arguments. Defendant's Brief must specifically respond to the issues raised by Plaintiff and must contain specific transcript references to the evidence that the Commissioner claims sustains the position that substantial evidence supports the decision at issue. Briefs must cite concisely the relevant statutory and case law supportive of the party's position. Any facts recited in the Argument must also be set forth in the Statement of Facts section of the brief. The arguments must be preceded by headings identifying the claimed errors.

d. A **Conclusion** setting forth the specific relief sought by the party.

12. The parties must fully and fairly present to the Court all relevant evidence in the record, both favorable and unfavorable. A full recitation of all relevant evidence, including the claimant's relevant medical history, must also be presented. General references to the medical record or the Administrative Law Judge's summary of the facts are insufficient.

13. Any factual allegations or arguments relying on the record that either do not cite to the record or are unsupported by the record citation will not be considered. The Court will deem that the parties have waived reliance on any evidence not included in the briefs or the required supplement.

**IT IS SO ORDERED.**

Dated: Click or tap to enter a date.



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DARRELL A. CLAY  
UNITED STATES MAGISTRATE JUDGE

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

SUPPLEMENT FOR SOCIAL SECURITY APPEALS – PLAINTIFF

*All items marked with an \* require citation to the Administrative Record*

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., non-severe 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\*: \_\_\_\_\_

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

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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\*:

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Case Name: \_\_\_\_\_

Case No.: \_\_\_\_\_

REPORTS, OPINIONS, OR NOTES OF PHYSICIANS/PROFESSIONALS		
Physician's/Professional's Name: _____		
Specialty: _____		
Classification: <input type="checkbox"/> Treating <input type="checkbox"/> Examining <input type="checkbox"/> 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