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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 DIVISION
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12 ,) No. CV (PLA)
13 Plaintiff,)
14 v.) SUPPLEMENTAL ORDER RE:
15 ANDREW M. SAUL,) PROCEDURES IN SOCIAL SECURITY
16 Commissioner of Social) APPEAL
17 Security Administration,)
18 Defendant.)
_____)

19 **I. Content of Joint Submission**

20 The Joint Submission shall include a brief summary of the case, the parties' positions with
21 respect to the Administrative Law Judge's ("ALJ") summary of the material medical evidence and
22 testimony of record, a statement of the disputed issues, the parties' contentions with respect to
23 each disputed issue, and the parties' statements of the relief requested. Any issue not raised in
24 the Joint Submission may be deemed to have been waived. The Court is familiar with the
25 standard of review and the sequential evaluation process, so the parties should avoid boilerplate
26 discussions of the governing legal standards. Rather, the parties should focus on applying
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relevant and controlling legal authority to the facts germane to each disputed issue.¹ When citing cases, statutes, regulations, Social Security Rulings, medical and vocational reference sources, or other legal authority to support their legal arguments, the parties shall provide complete and accurate citations to the portions of those authorities relied upon. The parties shall also specify the evidence upon which they rely to support their contentions, and provide accurate page citations to the administrative record for all evidence relied upon (e.g., “AR ____”). In addition, all medical terminology (including medical conditions, diagnoses, procedures, tests, anatomical references, and pharmaceuticals) shall be defined in terms understandable to a layperson, preferably by citation to a medical dictionary or glossary from a standard reference work. The parties may not supplement the record beyond definition of technical terms.

II. Form of Joint Submission

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

A. Summary of the Case

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

B. Medical Evidence

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

¹ The parties should cite only controlling case authority (i.e., decisions of the United States Supreme Court or the Ninth Circuit Court of Appeals). If there is no controlling authority, the decisions of other courts may be cited.

or omission are addressed in the argument in support of the Joint Submission.

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

C. Statement of Disputed Issues

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

D. Issues and Contentions

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

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

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

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

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

1 E. Relief Requested

- 2 1. Plaintiff's statement of relief requested.
- 3 2. The Commissioner's statement of relief requested.
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5 **III. Oral Argument**

6 Unless otherwise ordered, the issues presented in any Joint Submission shall be deemed

7 submitted for decision without oral argument.

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9 **IV. Motions and Petitions for Attorney Fees**

10 A. Equal Access to Justice Act

11 1. Any motion or petition for attorney fees, costs, and expenses shall be

12 made in accordance with 28 U.S.C. § 2412 (EAJA). Plaintiff shall electronically file

13 a notice of any motion or petition for attorney fees, costs, and expenses under the

14 EAJA and manually serve a copy on the Office of Regional Counsel. **A courtesy**

15 **copy of the motion or petition and supporting papers, with the Notice of**

16 **Electronic Filing attached, shall either (a) be delivered to the Magistrate**

17 **Judge's chambers' box located outside of Suite 1200 on the 12th Floor of the**

18 **Roybal Federal Building and Courthouse, no later than 4:00 p.m. on the next**

19 **court day, or (b) shall be mailed to the Magistrate Judge at 255 E. Temple**

20 **Street, Room 1200, Los Angeles, CA 90012, no later than the next court day.**

21 2. The Commissioner shall have a period of twenty-one (21) days from the

22 date of electronic filing of the motion or petition within which to electronically file the

23 Commissioner's opposition to the motion or petition. **A courtesy copy of the**

24 **Commissioner's opposition papers, with the Notice of Electronic Filing**

25 **attached, shall either (a) be delivered to the Magistrate Judge's chambers' box**

26 **located outside of Suite 1200 on the 12th Floor of the Roybal Federal Building**

27 **and Courthouse, no later than 4:00 p.m. on the next court day, or (b) shall be**

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1 mailed to the Magistrate Judge at 255 E. Temple Street, Room 1200, Los
2 Angeles, CA 90012, no later than the next court day.

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

10 4. Assuming either that there is no extension to discuss settlement or that
11 no settlement is reached after such an extension, plaintiff may electronically file a
12 reply to the Commissioner's opposition within ten (10) days of service thereof. **A**
13 **courtesy copy of the reply papers, with the Notice of Electronic Filing attached,**
14 **shall either (a) be delivered to the Magistrate Judge's chambers' box located**
15 **outside of Room 1200, Roybal Federal Building and Courthouse, no later than**
16 **4:00 p.m. on the next court day, or (b) shall be mailed to the Magistrate Judge**
17 **at 255 E. Temple Street, Suite 1200, Los Angeles, CA 90012, no later than the**
18 **next court day.**

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

21 B. 42 U.S.C. § 406(b)

22 1. Any motion or petition for attorney fees pursuant to 42 U.S.C. § 406(b)
23 shall be made by plaintiff's counsel within a reasonable time after the publication of
24 a notice by the Commissioner allowing the Court to determine the maximum
25 allowable fee under that provision. The motion or petition shall include a statement
26 by plaintiff's counsel indicating the amount of EAJA fees and/or 42 U.S.C. § 406(a)
27 fees awarded and/or requested.
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1 2. Plaintiff's counsel shall electronically file a motion or petition for attorney
2 fees pursuant to 42 U.S.C. § 406(b) and manually serve copies on the Office of
3 Regional Counsel and on plaintiff. Plaintiff's counsel shall state in any notice that
4 plaintiff may file any statement or opposition with the Court not more than fourteen
5 (14) days after service of the motion or petition, and that any statement or opposition
6 filed by plaintiff shall be served on both plaintiff's counsel and the AUSA assigned to
7 the matter. **A courtesy copy of the motion or petition and supporting papers,**
8 **with the Notice of Electronic Filing attached, shall either (a) be delivered to the**
9 **Magistrate Judge's chambers' box located outside of Suite 1200, Roybal**
10 **Federal Building and Courthouse, no later than 4:00 p.m. on the next court day,**
11 **or (b) shall be mailed to the Magistrate Judge at 255 E. Temple Street, Room**
12 **1200, Los Angeles, CA 90012, no later than the next court day.**

13 3. As the Commissioner often does not take a substantive position
14 regarding § 406(b) motions, if such is the case in this action as well, there is no need
15 for defendant to file a response. In that case, the motion or petition will be under
16 submission as of fourteen (14) days after service of the motion or petition. If
17 however, the Commissioner has a specific objection or other insight to present to the
18 Court in this action, the Commissioner shall electronically file any statement or
19 opposition not more than fourteen (14) days after service of the motion or petition,
20 and also manually serve a copy on the plaintiff. **A courtesy copy of the**
21 **Commissioner's statement or opposition papers, with the Notice of Electronic**
22 **Filing attached, shall either (a) be delivered to the Magistrate Judge's**
23 **chambers' box located outside of Suite 1200, Roybal Federal Building and**
24 **Courthouse, no later than 4:00 p.m. on the next court day, or (b) shall be mailed**
25 **to the Magistrate Judge at 255 E. Temple Street, Room 1200, Los Angeles, CA**
26 **90012, no later than the next court day.**

27 4. Plaintiff's counsel may electronically file a reply in support of the motion
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1 or petition within seven (7) days of service of any statement or opposition, and also
2 manually serve a copy on the plaintiff. **A courtesy copy of the reply papers, with**
3 **the Notice of Electronic Filing attached, shall either (a) be delivered to the**
4 **Magistrate Judge's chambers' box located outside of Suite 1200, Roybal**
5 **Federal Building and Courthouse, no later than 4:00 p.m. on the next court day,**
6 **or (b) shall be mailed to the Magistrate Judge at 255 E. Temple Street, Room**
7 **1200, Los Angeles, CA 90012, no later than the next court day.**

8 5. Except as otherwise stated in paragraph 3 above, the matter will stand
9 submitted pursuant to Local Rule 83-9.1.1(a) as of the date the last filing is due.

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11 **IT IS SO ORDERED.**

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13 DATE: _____

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15 PAUL L. ABRAMS
16 UNITED STATES MAGISTRATE JUDGE
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