

Social Security

Social security cases generally seek a judicial review of the administrative agency's final decision denying benefits. Oral arguments are not held unless the parties give written consent to full adjudication before a Magistrate Judge pursuant to 28 U.S.C. § 636. In such cases, the Court *generally will* hold oral argument upon its own volition. Parties should not, however, request or expect oral argument.

A. Timelines

The Court expects that proof of service will be filed within 90 days after the complaint is filed. If service of the complaint is not shown on the docket, the Court will send an Order to Show Cause to Plaintiff. Within one week of filing a transcript of the administrative record, the government is required to forward to Judge Patti's chambers a bound, paper copy of the entire record.

After the filing of the government's answer with a transcript of the agency hearing, the Court will issue a briefing schedule for dispositive motions. These dates are designed to provide sufficient time for briefing and filing; therefore, requests for adjournments must show good cause in order to be considered. The matter is ready for decision or recommendation as of the date motions are due or filed, whichever comes first.

B. Briefing

All motions and briefs must comply with Local Rule 7.1. The parties are particularly reminded of the requirement that all briefs must include an "Issues Presented" page. On that page, the parties shall outline the issues to be presented in their briefing. In the case of a motion for summary judgment or remand, the "Issues Presented" must indicate the error allegedly committed by the Administrative Law Judge, i.e., the bases for the appeal and grounds for reversal. Within the parties' briefs, the issues presented should be labeled as section headings, and should match the items listed on the "Issues Presented" page. Any issue addressed in the brief that is not both 1) included in Issues Presented and 2) labeled as a section heading within the brief, will not be considered by the Court.