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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DENISE WHITE,	)	Case No. EDCV 15-1198-VAP (KES)
	)	
Plaintiff,	)	
vs.	)	ORDER TO SHOW CAUSE
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

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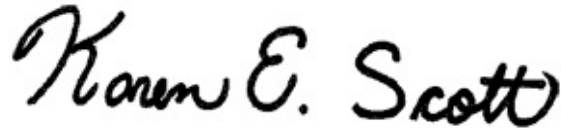
Under Section V.A of the Court’s July 31, 2015 Case Management Order (a copy of which is attached hereto), Plaintiff was required to serve and file her motion for judgment on the pleadings within 35 days of the service and filing of the Answer.

The Answer was served and filed on March 22, 2016. Thus, including the 3 extra days to which Plaintiff was entitled under Fed. R. Civ. P. 6(d), the filing deadline for Plaintiff’s motion for judgment on the pleadings was April 29, 2016. Although that deadline now has elapsed, Plaintiff still has not filed her motion for judgment on the pleadings.

Accordingly, on or before **June 7, 2016**, Plaintiff is ORDERED to either (a) serve and file her motion for judgment on the pleadings in accordance with the format specified in Section VI of the July 31, 2015 Case Management Order or (b) show good cause in writing, if any exists, why Plaintiff did not timely file her motion for

1 judgment on the pleadings, and why the Court should not recommend that this action  
2 be dismissed for failure to prosecute and failure to comply with the Court's prior  
3 Order. Plaintiff is forewarned that, if she fails to do either, the Court will deem such  
4 failure a further violation of a Court order justifying dismissal and also deem such  
5 failure as further evidence of a lack of prosecution on Plaintiff's part.

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7 DATED: May 10, 2016

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10 KAREN E. SCOTT  
11 UNITED STATES MAGISTRATE JUDGE  
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1 I HEREBY CERTIFY THAT THIS  
2 DOCUMENT WAS SERVED BY FIRST  
3 CLASS MAIL, POSTAGE PREPAID, TO  
4 (SEE BELOW) AT THEIR RESPECTIVE  
5 MOST RECENT ADDRESS OF RECORD IN  
6 THIS ACTION ON THIS DATE

TO: DATE: DEPUTY CLERK:

Plaintiff 7/31/2015 JD

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 DENISE WHITE, ) Case No. EDCV 15-1198-VAP (KES)  
12 Plaintiff, )  
13 vs. ) CASE MANAGEMENT ORDER  
14 CAROLYN W. COLVIN, Acting ) [Social Security]  
15 Commissioner of Social Security, )  
16 Defendant. )

17  
18 **NOTE: THIS ORDER SUPERSEDES THE PREVIOUSLY ASSIGNED**  
19 **MAGISTRATE JUDGE'S CASE MANAGEMENT ORDER ISSUED ON**  
20 **JUNE 22, 2015. SINCE PLAINTIFF IS PROCEEDING IN PRO PER, THIS**  
21 **CASE IS NOT SUBJECT TO THE ELECTRONIC FILING PROCEDURES.**  
22 **FURTHER, THIS ORDER DIFFERS IN VARIOUS RESPECTS FROM THE**  
23 **COURT'S USUAL SOCIAL SECURITY CASE MANAGEMENT ORDER.**

24  
25 In order to facilitate the just, speedy, and inexpensive determination of this  
26 case, the parties shall comply with the following instructions.

27 //

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1 **I. Service of the Summons and Complaint**

2 Plaintiff shall promptly serve the summons and complaint on the Commissioner  
3 in the manner required by Rule 4(i) of the Federal Rules of Civil Procedure and 20  
4 C.F.R. § 423.1.<sup>1</sup> Such service shall consist of sending copies of the summons and  
5 complaint by registered or certified mail to each of the following: (a) the United  
6 States Attorney for the Central District of California, or his or her authorized agent,  
7 addressed to the civil process clerk at the Office of the United States Attorney, Civil  
8 Division, Room 7516, Federal Building, 300 North Los Angeles Street, Los Angeles,  
9 California 90012; (b) Region IX Chief Counsel, Office of the General Counsel, Social  
10 Security Administration, 160 Spear Street, Suite 800, San Francisco, CA  
11 94105-1545; and (c) the Attorney General of the United States in Washington, D.C.  
12 Plaintiff shall then promptly file a proof of service showing compliance with this  
13 paragraph. The failure to effectuate proper service within one hundred and twenty  
14 (120) days after the filing of the Complaint may result in the dismissal of this case.  
15 See Fed. R. Civ. P. 4(m).

16  
17 **II. Motion to Dismiss**

18 Any motion to dismiss the complaint shall be filed in accordance with the rules  
19 governing noticed motions; provided, however, that the motion shall be deemed  
20 submitted on the basis of the papers timely filed as of the hearing date, without oral  
21 argument, unless the Court orders otherwise. See Fed. R. Civ. P. 7 and 12; C.D. Cal.  
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23  
24 <sup>1</sup> If this order is received by plaintiff prior to service of the summons and  
25 complaint, plaintiff shall serve a copy of it concurrently with the summons and  
26 complaint and promptly file a proof of service. If this order is not received by  
27 plaintiff prior to service of the summons and complaint, plaintiff shall serve a copy  
28 of it by first-class mail on the Office of the United States Attorney at the address set  
forth in Paragraph I(a) within fourteen (14) days of receipt, and promptly file a proof  
of service with the Court.

1 Local Rules 7 and 12.  
2

3 **III. Service of Administrative Record and Filing of Answer**

4 The Commissioner shall have one hundred and twenty (120) days from the date  
5 of service of the complaint in which to (a) serve and lodge a complete copy of the  
6 certified administrative record, and (b) serve and file an answer.  
7

8 **IV. Discovery and Pre-trial Proceedings**

9 No discovery or other pre-trial proceedings not authorized by this order shall  
10 be conducted without leave of court. In particular, no motion for summary judgment  
11 shall be filed. The decision in this case will be made on the basis of the pleadings,  
12 the administrative record, and the parties' cross-motions for judgment on the  
13 pleadings. In accordance with Rule 12(c) of the Federal Rules of Civil Procedure, the  
14 Court will determine which party is entitled to judgment under the standards set forth  
15 in 42 U.S.C. § 405(g).  
16

17 **V. Schedule for Filing of Cross-Motions for Judgment on the Pleadings**

18 A. The cross-motions for judgment on the pleadings shall be filed according  
19 to the following schedule:

20 1. Within 35 days of the service and filing of the answer, plaintiff  
21 shall serve and file his/her motion for judgment on the pleadings.

22 2. Within 35 days of the service of plaintiff's motion, the  
23 Commissioner shall serve and file his/her opposition/cross-motion for  
24 judgment on the pleadings.

25 3. Within 28 days of the service of the Commissioner's  
26 opposition/cross-motion, plaintiff shall serve and file his/her reply/opposition  
27 thereto.

28 B. This matter will be taken under submission as of the date plaintiff's

1 reply/opposition is due and decided on the papers without oral argument. See Local  
2 Rule 7-15.

3 **VI. Format of Plaintiff’s Motion for Judgment on the Pleadings**

4 Plaintiff’s motion for judgment on the pleadings shall conform to the following  
5 format, and comply with the local rules governing form and typeface:

6 A. Summary of the Case. Plaintiff shall provide a brief summary of the  
7 background facts and procedural history.

8 B. Medical Evidence. Plaintiff shall state whether plaintiff will stipulate  
9 that the ALJ’s decision fairly and accurately summarizes the material medical  
10 evidence and testimony of record. If not, plaintiff shall either (a) specify the respects  
11 in which plaintiff contends the ALJ’s decision misstates, mischaracterizes, or omits  
12 any of the material medical evidence and/or testimony of record, or (b) state that the  
13 contentions of misstatement, mischaracterization, or omission will be addressed in  
14 Section D below.

15 C. Statement of Disputed Issues. Plaintiff shall identify and frame, in a  
16 neutral fashion, each of the disputed issues that plaintiff is raising as the grounds for  
17 reversal and/or remand. [Example: “Issue No. 1 – Whether the ALJ properly  
18 evaluated plaintiff’s subjective complaints of pain.”]

19 D. Issues and Contentions.

20 1. Issue No. 1 [The heading shall conform to the first issue listed by  
21 plaintiff in the Statement of Disputed Issues.]. Plaintiff shall concisely set  
22 forth plaintiff’s contentions (including citations to the page(s) of the  
23 administrative record where cited evidence is found, complete citations to  
24 relevant legal authority, and definitions of medical terminology).

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

26 E. Relief Requested. Plaintiff’s statement of relief requested.

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1 **VII. Format of the Commissioner’s Opposition/Cross-Motion for Judgment on**  
2 **the Pleadings**

3 The Commissioner’s opposition/cross-motion shall conform to the following  
4 format, and comply with the local rules governing form and typeface:

5 A. Summary of the Case. The Commissioner shall provide a brief summary  
6 of the background facts and procedural history.

7 B. Medical Evidence. The Commissioner shall state whether the  
8 Commissioner will stipulate that the ALJ’s decision fairly and accurately summarizes  
9 the material medical evidence and testimony of record. If not, the Commissioner  
10 shall either (a) specify the respects in which the Commissioner contends that the  
11 ALJ’s decision misstates, mischaracterizes, or omits any of the material medical  
12 evidence and/or testimony of record, or (b) state that the contentions of misstatement,  
13 mischaracterization, or omission will be addressed in Section D below.

14 C. Statement of Disputed Issues. The Commissioner shall not be bound by  
15 the manner in which plaintiff framed the issues in dispute, if the Commissioner  
16 believes that plaintiff did not frame them in a neutral or otherwise appropriate  
17 fashion. Thus, the Commissioner may reframe the issues identified by plaintiff as  
18 being in dispute, so long as the opposition/cross-motion is responsive to the issues  
19 raised by plaintiff.

20 D. Issues and Contentions.

21 1. Issue No. 1 [The heading shall conform to the first issue listed by  
22 the Commissioner in the Statement of Disputed Issues.]. The Commissioner  
23 shall concisely set forth the Commissioner’s contentions (including citations  
24 to the page(s) of the administrative record where cited evidence is found,  
25 complete citations to relevant legal authority, and definitions of medical  
26 terminology).

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

28 E. Relief Requested. The Commissioner’s statement of relief requested.

1 **VIII. Requests for Extensions of Time**

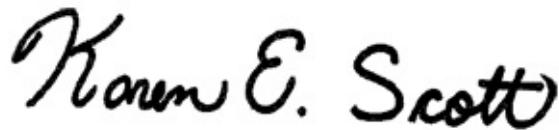
2 The deadlines set forth in this order are designed to give parties exercising  
3 reasonable diligence sufficient time to perform the required acts without seeking  
4 extensions of time. Accordingly, requests for extensions of time are discouraged.  
5 Any such request shall set forth specific facts showing that additional time is needed  
6 despite diligent attempts to meet a deadline. Requests for extensions of time shall be  
7 filed at least three (3) days before the deadline that is the subject of the request.  
8 Whenever possible, a request for extension of time should be made in the form of a  
9 proposed stipulated order.

10  
11 **IX. Oral Argument**

12 Unless otherwise ordered, the issues presented in the parties' cross-motions for  
13 judgment on the pleadings shall be deemed submitted for decision without oral  
14 argument.

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16 **IT IS SO ORDERED.**

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18 DATED: July 31, 2015

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21 KAREN E. SCOTT  
22 UNITED STATES MAGISTRATE JUDGE  
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