

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV17-01701-FMO (AS) Date October 3, 2017

Title Kathryn Delelio v. Nancy A. Berryhill, *Acting Commissioner of Social Security*

Present: The Honorable Alka Sagar, United States Magistrate Judge

Alma Felix

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None present

None present

Proceedings: ORDER RE: PROCEDURES IN SOCIAL SECURITY APPEAL

1. Plaintiff will promptly serve the summons and complaint on the government in accordance with Rule 4(i) of the Federal Rules of Civil Procedure. Plaintiff will file an appropriate proof of service within **30 days** of the date of this Order. Government counsel must file a notice of appearance within **30 days** of service of the action.¹

2. The agency will electronically serve the administrative record on Plaintiff within **90 days** from service of the complaint. At the time of such service government counsel will file a Notice of Service with the Court.

3. Plaintiff will send a settlement proposal to government counsel by e-mail within **14 days** from service of the administrative record. Government counsel will have **21 days** to e-mail a response to the proposal. The parties are encouraged to engage in further written or telephonic discussions regarding the issues on appeal.

4. Within **7 days** from the response of government counsel, either: (a) the parties will file a notice regarding the resolution of the action (request for dismissal, stipulation for remand, etc.); or (b) the agency will file an answer and the administrative record with the Court.

5. The parties will cooperate in the preparation of a joint submission regarding the issues on appeal as follows:

¹ The filing of consent to proceed before the Magistrate Judge will serve as a notice of appearance. The Court understands that lawyers from the Social Security Administration are regularly appointed as Special Assistant United States Attorneys to represent the government in these actions. Any reference to "government counsel" in this order refers to the AUSA or Special AUSA with primary responsibility for the defense of this action.

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- a. Plaintiff will have **35 days** from the filing of the answer to provide government counsel with his/her portion of the joint submission (not to exceed a total of 25 pages (Local Rule 11-6)) in an appropriate electronic format.
- b. The agency will have **35 days** to provide Plaintiff with its portion of the joint submission (not to exceed 25 pages). Government counsel must state in this document that the parties previously engaged in the mandatory settlement process.
- c. If desired, Plaintiff will have **14 days** to provide government counsel with an optional reply (not to exceed 10 pages).
- d. Government counsel will have **7 days** to electronically file the joint submission.

6. **NOTE:** Plaintiff's attorney is responsible for providing Plaintiff's portions of the joint submission to government counsel in a timely manner without reminder or prompting from the government. If Plaintiff fails to comply with the terms of this Order, government counsel may file a brief notice of noncompliance to inform the Court of the status of the action. The Court will consider a full range of remedial actions for violative conduct.

7. As in any civil action in this Court, the parties are strongly encouraged to seek relief from the timing provisions of this order in advance of any deadlines.

8. The Court may require that the parties comply with additional procedures posted on the Central District's website or contained in a separately issued order regarding this action.