

- 1 3) Within thirty–five (35) days after service of Plaintiff's letter brief, Defendant shall serve a
2 response to Plaintiff's letter brief on Plaintiff. **The response itself shall NOT be filed**
3 **with the court and it shall be marked "confidential."** A separate proof of service reflecting
4 that the response was served on Plaintiff shall be filed with the court.
- 5 4) In the event the parties stipulate to a remand to the Commissioner, a stipulation shall be filed
6 with the Court WITHIN fifteen (15) days after Defendant serves his response on Plaintiff.
- 7 5) **In the event respondent does not agree to a remand, within thirty (30) days of service of**
8 **Defendant's response, Plaintiff shall file and serve an opening brief with the court and on**
9 **Defendant.**
- 10 6) **Defendant's responsive brief shall be filed with the court and served on Plaintiff within**
11 **thirty (30) days after service of Plaintiff's opening brief.**
- 12 7) **Plaintiff's reply brief shall be filed with the court and served on Defendant within fifteen**
13 **(15) days after service of Defendant's brief.**
- 14 8) **All references to the record and all assertion of fact must be accompanied by citations to**
15 **the record.** The opening and responsive brief shall contain the following:
- 16 (a) a plain description of Plaintiff's alleged physical or emotional impairments, when Plaintiff
17 contends they became disabling, and how they disable Plaintiff from work;
- 18 (b) a summary of all relevant medical evidence including an explanation of the significance of
19 clinical and laboratory findings and the purpose and effect of prescribed medication and
20 therapy;
- 21 (c) a summary of the relevant testimony at the administrative hearing;
- 22 (d) a recitation of the Commissioner's findings and conclusions relevant to Plaintiff's claims;
- 23 (e) a short, separate statement of each of Plaintiff's legal claims stated in terms of the
24 insufficiency of the evidence to support a particular finding of fact or reliance upon an
25 erroneous legal standard; and
- 26 (f) **argument separately addressing each claimed error. Argument in support of each**
27 **claim of error must be supported by citation to legal authority and explanation of the**
28 **application of such authority to the facts of the particular case.** Briefs that do not

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substantially comply with these requirements will be stricken.

- 9) The court will allow a single thirty (30) day extension of any part of this scheduling order by stipulation of the parties. Court approval is not required for this extension. However, the stipulation shall be filed with the court.
- 10) Request for modification of this briefing schedule will not routinely be granted.
- 11) With the exception of the single thirty day extension, requests to modify this order must be made by written motion and will be granted only for good cause.
- 12) Violations of this order or of the federal or local rules of procedure may result in sanctions pursuant to Local Rule 110.

Defendant is reminded that because Plaintiff is *pro se*, he is not a registered user of CM/ECF. Therefore, any documents filed with the Court must be served on Plaintiff via first class mail.

IT IS SO ORDERED.

Dated: April 6, 2017

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE