

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KATHLENE VELTCAMP,

Plaintiff,

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

1:17-cv-702-GSA

PRO SE ORDER SETTING DEADLINES

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

The Defendant has appeared in this action on October 26, 2017. (Doc. 19). Accordingly, the case shall proceed pursuant to the procedures set forth in this Court's Scheduling order issued on August 30, 2017. (Doc. 15). For clarity, the deadlines and further instructions for this case are outlined as follows:

- 1) Defendant shall file the administrative record no later than **February 23, 2018**.
- 2) **Within thirty (30) days after service of the administrative record**, Plaintiff shall serve on Defendant a letter brief outlining the reasons why he/she contends that a remand is warranted. The letter brief shall succinctly set forth the relevant issues and reasons for the remand. **The letter brief itself shall NOT be filed with the court** and it shall be marked "confidential." A separate proof of service reflecting that the letter brief was served on Defendant shall be filed with the court.
- 3) Within thirty-five (35) days after service of Plaintiff's letter brief, Defendant shall serve a response to Plaintiff's letter brief on Plaintiff. **The response itself shall NOT be filed**

with the court and it shall be marked "confidential." A separate proof of service reflecting that the response was served on Plaintiff shall be filed with the court.

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

1 stipulation of the parties. Court approval is not required for this extension. However, the
2 stipulation shall be filed with the court.

3 10) Request for modification of this briefing schedule will not routinely be granted.
4 11) With the exception of the single thirty day extension, requests to modify this order must be
5 made by written motion and will be granted only for good cause.
6 12) Violations of this order or of the federal or local rules of procedure may result in sanctions
7 pursuant to Local Rule 110.
8 13) Defendant is reminded that because Plaintiff is *pro se*, she is not a registered user of CM/ECF.
9 Therefore, any documents filed with the Court must be served on Plaintiff via first class mail.

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11 **It is recommended that Plaintiff seek the advice of an attorney. Plaintiff is advised that**
12 **if she does not retain an attorney to represent her, she is responsible for complying with**
13 **all Court rules and applicable laws. A failure to timely comply with any order of this**
14 **Court (including this order) will result in dismissal of the action.**

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16 IT IS SO ORDERED.
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18 Dated: October 27, 2017

19 /s/ Gary S. Austin
20 UNITED STATES MAGISTRATE JUDGE
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