

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS JAY POOLE,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

No. 2:21-cv-00588-JDP (SS)  
SCHEDULING ORDER

This action was stayed pending the filing of the administrative record under General Order Number 615. *See* G.O. 615 ¶¶ 6, 10. On September 7, 2021, defendant filed a copy of the administrative record.

Accordingly, it is hereby ordered that:

1. The stay is lifted.
2. Within 45 days after service of the administrative record, the plaintiff shall file the motion for summary judgment.
3. Within 45 days after service of plaintiff’s opening brief, the defendant shall file the responsive brief as well as any cross motions.
4. Within 15 days after filing of defendant’s brief, the plaintiff shall file the optional reply brief and respond to any cross motions.
5. In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the defendant shall file a motion to dismiss in lieu of filing the administrative record. The motion to dismiss shall be

1 filed within 120 days of service of the complaint. The opposing brief shall be filed within 14 days after  
2 service of the motion. The reply brief shall be filed within seven days after service of the opposition  
3 brief. The motion to dismiss need not be noticed for hearing.

4 6. Motions for attorney fees shall be filed within 30 days after entry of final judgment. If  
5 any motion for attorney fees is not stipulated by the parties, the nonmoving party must file an  
6 opposition or statement of non-opposition within 30 days.

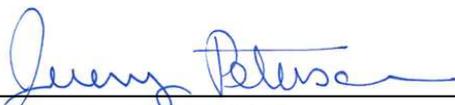
7 7. All references to the record and all assertion of fact must be accompanied by citations  
8 to the record. The parties' briefs *should not include recitations of the facts*. Instead, the parties should  
9 focus on addressing their arguments. Arguments in support of or opposition to each claim of error  
10 must be supported by citation to legal authority and explanation of the application of such authority to  
11 the facts of this case. Briefs that do not substantially comply with these requirements will be stricken.

12 8. Requests for modification of this briefing schedule will not be routinely granted. Any  
13 such request must be made by stipulated motion and will be granted only for good cause. A motion  
14 for a modification brought on the filing deadline will be looked upon with disfavor. Local Rule  
15 144(d).

16 9. Violations of this order or of the federal rules of procedure or the Local Rules may  
17 result in sanctions pursuant to Local Rule 110.

18  
19 IT IS SO ORDERED.

20  
21 Dated: September 7, 2021

  
\_\_\_\_\_  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE