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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MARC A. DEMPSTER,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL SECURITY,  
Defendant.

No. 2:21-cv-01393-JDP (SS)  
ORDER GRANTING MOTION TO LIFT STAY  
ECF No. 7  
ORDER DIRECTING THE CLERK TO EMAIL A  
COPY OF THIS ORDER TO DEFENDANT  
SCHEDULING ORDER

This action was automatically stayed pending the filing of the administrative record under General Order Number 615. *See* G.O. 615 ¶¶ 6, 10. On August 11, 2021, plaintiff moved to lift the stay because he has little income and defendant is filing administrative records on other dockets. ECF No. 7. I find good cause to lift the stay and grant plaintiff’s motion.

Accordingly, it is hereby ordered that:

1. Plaintiff’s motion to lift the stay, ECF No. 7, is granted, and the stay is lifted.
2. The Clerk of Court is directed to deliver a copy of this order to the Commissioner of Social Security Administration and the United States Attorney’s Office at their designated email addresses.
3. Within 60 days, defendant shall file a copy of the administrative record. The filing of the administrative record shall be deemed an answer to the complaint.
4. Within 45 days after service of the administrative record, plaintiff shall file the motion for summary judgment.

1           5.       Within 45 days after service of plaintiff's opening brief, defendant shall file the  
2 responsive brief as well as any cross motions.

3           6.       Within 15 days after filing of defendant's brief, plaintiff shall file the optional reply  
4 brief and respond to any cross motions.

5           7.       In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, defendant  
6 shall file a motion to dismiss in lieu of filing the administrative record. The motion to dismiss shall be  
7 filed within 120 days of service of the complaint. The opposing brief shall be filed within 14 days after  
8 service of the motion. The reply brief shall be filed within seven days after service of the opposition  
9 brief. The motion to dismiss need not be noticed for hearing.

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

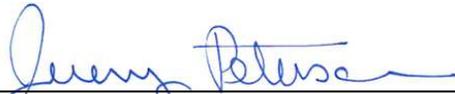
13          9.       All references to the record and all assertion of fact must be accompanied by citations  
14 to the record. The parties' briefs *should not include recitations of the facts*. Instead, the parties should  
15 focus on addressing their arguments. Arguments in support of or opposition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

18          10.      Requests for modification of this briefing schedule will not be routinely granted. Any  
19 such request must be made by stipulated motion and will be granted only for good cause. A motion  
20 for a modification brought on the filing deadline will be looked upon with disfavor. Local Rule  
21 144(d).

22          11.      Violations of this order or of the federal rules of procedure or the Local Rules may  
23 result in sanctions pursuant to Local Rule 110.

24  
25 IT IS SO ORDERED.

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27 Dated: September 7, 2021

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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE

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