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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 MARIO G.,¹

12 Plaintiff,

13 v.

14 LELAND DUDEK, Acting Commissioner
15 of Social Security,²

16 Defendant.
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Case No.: 25cv66-AGS (LR)

**SCHEDULING ORDER FOR JOINT
MOTION FOR JUDICIAL REVIEW
OF FINAL DECISION OF THE
COMMISSIONER OF SOCIAL
SECURITY**

18 On **January 13, 2025**, Plaintiff Mario G. filed a civil Complaint against
19 Defendant, then Acting Commissioner of Social Security, Carolyn Colvin, seeking
20 judicial review of the denial of his application for social security disability and
21 supplemental security income benefits. (ECF No. 1.) Defendant filed the Administrative
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25 ¹ Pursuant to Civil Local Rule 7.1(e)(6)(b), the Court’s opinions in Social Security cases filed under
26 42 U.S.C. § 405(g) “refer to any non-government parties by using only their first name and last initial.”

27 ² Plaintiff named Carolyn Colvin, who was the Acting Commissioner of Social Security when Plaintiff
28 filed his Complaint on January 13, 2025, as a Defendant in this action. (See ECF No. 1 at 1.) Leland
Dudek is now the Acting Commissioner of Social Security, and he is automatically substituted as a party
pursuant to Federal Rule of Civil Procedure 25(d).

1 Record on March 10, 2025. (ECF No. 11.)

2 Pursuant to Rule 16.1(e)(3) of the Civil Local Rules, an Early Neutral Evaluation/
3 Case Management Conference is not required to be held in this case. The Court hereby
4 enters the following scheduling order:

5 **I. MANDATORY SETTLEMENT PROCEDURES**

6 The parties shall engage in good faith settlement negotiations to resolve the matter,
7 according to the following schedule:

8 A. On or before April 7, 2025, plaintiff shall prepare and deliver by e-mail to
9 the Special Assistant United States Attorney (“SAUSA”) representing the Commissioner
10 (or, if no SAUSA is assigned to the case, to the assigned Assistant United States Attorney
11 (“AUSA”)) a written and detailed proposal of settlement.

12 B. On or before April 28, 2025, the Commissioner shall evaluate the merits of
13 plaintiff’s contentions and confer with plaintiff’s counsel in writing by mail or e-mail.

14 C. No later than May 5, 2025, one of the following actions shall occur:

- 15 1. The parties shall electronically file a stipulation dismissing,
16 remanding, or otherwise resolving the case; or
- 17 2. The parties shall electronically file a Joint Status Report advising the
18 Court that they have not resolved the matter in settlement discussions.

19 **II. JOINT MOTION FOR JUDICIAL REVIEW OF FINAL DECISION OF**
20 **THE COMMISSIONER OF SOCIAL SECURITY**

21 If the parties cannot resolve the matter in settlement discussions before the
22 deadlines set forth in this order, the parties shall electronically file a Joint Motion for
23 Judicial Review of Final Decision of The Commissioner of Social Security (“Joint
24 Motion for Judicial Review”) in the manner, and according to the schedule, set forth
25 below. Considering the Joint Motion for Judicial Review requirements set forth in this
26 order, the parties are hereby excused from Civil Local Rule 7.1(e)(6). The parties shall
27 cooperate in preparing the Joint Motion for Judicial Review, and sanctions may be
28 imposed for any failure to cooperate. A Joint Motion for Judicial Review that is not

1 signed by counsel for both parties may be rejected and stricken by the Court. A Joint
2 Motion for Judicial Review that is electronically filed, but that is not prepared in the
3 manner required by this order, may be stricken, and the parties will be required to cure
4 the defects by electronically filing an Amended Joint Motion for Judicial Review.

5 **III. CONTENT OF JOINT MOTION FOR JUDICIAL REVIEW**

6 The Joint Motion for Judicial Review shall include:

- 7 1. Each party’s brief summary of the case;
- 8 2. The parties’ positions with respect to the Administrative Law Judge’s
9 (“ALJ”) summary of the material medical evidence and testimony of record;
- 10 3. Each party’s statement of the disputed issues;
- 11 4. The parties’ contentions with respect to each disputed issue; and
- 12 5. The parties’ statements of the relief requested.

13 Any issue not raised in the Joint Motion for Judicial Review may be deemed to
14 have been waived. The Court is familiar with the standard of review and the sequential
15 evaluation process, so the parties should avoid boilerplate discussions of the governing
16 legal standards. Rather, the parties should focus on applying relevant and controlling
17 legal authority to the facts germane to each disputed issue.³ When citing cases, statutes,
18 regulations, Social Security Rulings, medical and vocational reference sources, or other
19 legal authority to support their legal arguments, the parties shall provide complete and
20 accurate citations to the portions of those authorities relied upon. The parties shall also
21 specify the evidence upon which they rely to support their contentions and provide
22 accurate page citations to the administrative record for all evidence relied upon [“AR
23 ____”]. In addition, all medical terminology (including medical conditions, diagnoses,
24 procedures, tests, anatomical references, and pharmaceuticals) shall be defined in terms
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27 ³ The parties should cite only controlling case authority (i.e., decisions of the United States Supreme
28 Court or the Ninth Circuit Court of Appeals). If there is no controlling authority, the decisions of other
courts may be cited.

1 understandable to a layperson, preferably by citation to a medical dictionary or glossary
2 from a standard reference work. The parties may not supplement the record beyond
3 definition of technical terms.

4 **IV. FORM OF JOINT MOTION FOR JUDICIAL REVIEW**

5 The Joint Motion for Judicial Review shall be prepared in the following format,
6 and shall comply with the local rules governing form and typeface:

7 **a. Summary of the Case**

8 Each party shall provide a brief summary of the relevant background facts and
9 procedural history.

10 **b. Medical Evidence**

11 Plaintiff shall state whether plaintiff will stipulate that the ALJ's decision fairly
12 and accurately summarizes the material medical evidence and testimony of record. If
13 not, plaintiff shall either (a) specify the respects in which plaintiff contends the ALJ's
14 decision misstates, mischaracterizes, or omits any of the material medical evidence
15 and/or testimony of record, or (b) state that the contentions of misstatement,
16 mischaracterization, or omission are addressed in the argument in support of the Joint
17 Motion for Judicial Review.

18 The Commissioner shall state whether the Commissioner will stipulate that the
19 ALJ's decision fairly and accurately summarizes the material medical evidence and
20 testimony of record. If not, the Commissioner shall either (a) specify the respects in
21 which the Commissioner contends that the ALJ's decision misstates, mischaracterizes, or
22 omits any of the material medical evidence and/or testimony of record, or (b) state that
23 the contentions of misstatement, mischaracterization, or omission are addressed in the
24 argument in support of the Joint Motion for Judicial Review.

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1 **c. Statement of Disputed Issues**

2 Each party shall identify and frame, in a neutral fashion, each of the disputed
3 issues. [Example: “Issue No. 1 – Whether the ALJ properly evaluated plaintiff’s
4 subjective complaints of pain.”]

5 **d. Issues and Contentions**

6 i. Issue No. 1 [The heading shall conform to the first issue listed in the
7 Statement of Disputed Issues.]

8 1. Plaintiff’s Contentions Regarding Issue No. 1 [Plaintiff shall
9 concisely set forth plaintiff’s contentions (including citations to
10 the page(s) of the administrative record recited evidence is
11 found, complete citations to relevant legal authority, and
12 definitions of medical terminology).]

13 2. The Commissioner’s Contentions Regarding Issue No. 1 [The
14 Commissioner shall concisely set forth The Commissioner’s
15 contentions (including citations to the page(s) of the
16 administrative record where cited evidence is found, complete
17 citations to relevant legal authority, and definitions of medical
18 terminology).]

19 3. Plaintiff’s Reply Regarding Issue No. 1 [Plaintiff may, but is
20 not required to, reply to the contentions actually raised by the
21 Commissioner; provided, however, that any such reply does not
22 exceed 56 continuous lines of text per issue.]

23 ii. Issue No. 2, etc. [Repeat the foregoing format as needed.]

24 **e. Relief Requested**

25 i. Plaintiff’s statement of relief requested.

26 ii. The Commissioner’s statement of relief requested.

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1 D. No later than **July 28, 2025**, the SAUSA or AUSA shall sign and
2 electronically file the Joint Motion for Judicial Review.

3 **VI. ORAL ARGUMENT**

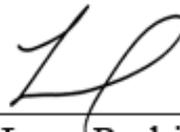
4 Unless otherwise ordered, the issues presented in any Joint Motion for Judicial
5 Review shall be deemed submitted for decision without oral argument.

6 **VII. MOTIONS TO AMEND AND COMPLIANCE WITH THIS ORDER**

7 The deadlines set forth in this order are designed to give parties exercising
8 reasonable diligence sufficient time to perform the required acts without seeking
9 extensions of time. Accordingly, requests for extensions of time are discouraged. Any
10 motion requesting a modification of this scheduling order should be filed no less than
11 **seven days** in advance of the deadline(s) at issue and shall comply with Magistrate Judge
12 Lupe Rodriguez, Jr.'s Civil Chambers Rules (available on the district court's website).

13 **IT IS SO ORDERED.**

14 Dated: March 10, 2025

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18 Honorable Lupe Rodriguez, Jr.
19 United States Magistrate Judge
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