

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**Elaine Brown,**

**Plaintiff,**

**- against -**

**ORDER**

**10cv784(ENV)**

**Commissioner of Social Security**

**Defendant.**  
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**VITALIANO, United States District Judge:**

Plaintiff initiated this action by filing the complaint on 2/19/2010.

Defendant will promptly obtain and file the administrative record of the proceedings below and will file its answer within 120 days and in any event, by October 19, 2010. If the defendant is unable to file its responsive papers timely, it will notify the Court in writing by that date. Such notification shall include a request for an extension which specifies a date and demonstrates good cause for the extension. In addition, the notification shall state the date the administrative record was requested, whether or not it has been received, and the most recent efforts made to obtain it.

Plaintiff will move for judgment on the pleadings, unless otherwise directed by the Court by November 19, 2010 (which is 180 days after the filing of the complaint).

Defendant's responsive papers will be filed within 30 days, and in any event by December 20, 2010. It is strongly recommended that plaintiff file a reply brief within 30 days of defendant's responsive papers.

To the extent a party's memorandum of law uses medical terminology not in common usage among laypersons, the memorandum shall explain the term, with a citation to a medical reference source supporting the definition. If the use of the term relates to the results of a medical test, the memorandum shall explain how those results bear on the finding of non-disability.

Upon receipt of plaintiff's papers, defendant will then file the entire set of motion papers and

the administrative record with the court.

The parties are advised of the option of consenting to have this matter heard and decided by the assigned Magistrate Judge. The parties are to consult and advise the court if both sides consent to having this case heard and decided by the assigned Magistrate Judge. The parties shall also inform the court if both parties do not consent, but they are not to indicate which party does not consent.

Plaintiff has also moved to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. The plaintiff's application is granted and the Clerk of the Court is directed to forward to the United States Marshal's Office for the Eastern District of New York copies of plaintiff's summons and complaint. The Marshal is directed to serve the summons and complaint upon the defendant without prepayment of fees. Defendant is directed to submit an answer to the complaint.

**SO ORDERED.**

/S/

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**ERIC N. VITALIANO**  
**United States District Judge**

**Dated: May 19, 2010**  
**Brooklyn, New York**