

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:17-CV-070-DCK**

KAREN BRYANT HANEY,)	
)	
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion For Leave To Appear And To Attend Oral Argument Via Telephone” (Document No. 22) and Plaintiff’s “Motion For Leave To Appear Without Local Counsel And To Attend Oral Argument Via Telephone” (Document No. 23) filed August 16, 2018. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. After careful consideration of the motions and the record, the undersigned will deny the motions.

The Court appreciates the parties’ concerns about convenience and costs; however, the undersigned’s recent experience holding hearings in social security cases has demonstrated that there is value in holding live hearings with counsel present. As such, the undersigned will respectfully decline to cancel the hearing scheduled for September 18, 2018. Moreover, the undersigned will insist on local counsel being present for both sides. See Local Rule 83.1 (b)(1).

The undersigned notes that the Court has scheduled back-to-back hearings on this date, and that in the past the Government has reduced costs by sending one attorney to represent the Commissioner in multiple actions on the same date. Nevertheless, the Court will allow the Government to be represented solely by a fully prepared local assistant U.S. Attorney, if the

Government determines that is a more efficient use of resources. If the Government wishes to proceed with “local counsel,” an appropriate Notice of Appearance shall be filed on or before September 7, 2018.

Likewise, in this instance at least, the Court will excuse the appearance of Plaintiff’s counsel, Mr. Osterhout, provided his local counsel is fully prepared and able to appear on his behalf.

The undersigned notes that the parties are required to make a good faith attempt to resolve or narrow the issues in this case on or before September 4, 2018. See (Document No. 21). If the parties make significant progress in narrowing the issues, the Court might consider allowing a telephone conference or supplemental briefing instead of holding a hearing.

IT IS, THEREFORE, ORDERED that “Defendant’s Motion For Leave To Appear And To Attend Oral Argument Via Telephone” (Document No. 22) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff’s “Motion For Leave To Appear Without Local Counsel And To Attend Oral Argument Via Telephone” (Document No. 23) is **DENIED**.

SO ORDERED.

Signed: August 16, 2018



David C. Keesler
United States Magistrate Judge

