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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 KEVIN SHORT,

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL, Deputy
12 Commissioner of Social Security for
13 Operations,

14 Defendant.

Case No. C18-5112-JPD

ORDER IMPOSING SANCTIONS
AND STRIKING OPENING BRIEF
AND MOTION TO REMAND

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16 This matter comes before the Court upon plaintiff's July 11, 2018 Motion to Remand
17 Alternatively Under Sentence Six, Dkt. 14, as well as the Declaration of Jamie Olivares, which
18 does not comply with LCR 5.2(a). Dkt. 14, Atts 1-5. Specifically, Exhibits A, B, C and D to
19 counsel's declaration contain numerous personal data identifiers (social security numbers) that
20 have not been redacted as required by the local rules. *See* Dkt. 14, Atts. 2-5. In fact, portions
21 of Exhibit A are the exact same unredacted exhibit to plaintiff's opening brief, Dkt. 10, that
22 was previously sealed by the Court on July 2, 2018. Dkt. 11.¹

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25 ¹ The Court has previously directed plaintiff's counsel to comply with LCR 5.2 in
26 several unrelated cases. *See Cobban v. Astrue*, C07-1199-RSL and *Nelson v. Colvin*, C15-
5638-JPD. However, plaintiff's counsel continues to fail to comply with the local rules of this
district.

1 In addition, it is not clear why plaintiff's Motion to Remand Alternatively Under
2 Sentence Six, Dkt. 14, was not included as part of his opening brief filed on June 29, 2018.
3 Dkt. 10. Regardless of whether the alternative motion to remand was filed separately due to a
4 lack of diligence or an attempt to avoid the page limits applicable to the opening brief,
5 plaintiff's submissions were not in compliance with the briefing schedule set forth in the
6 Court's Scheduling Order. Dkt. 9.

7 Accordingly, the Court ORDERS as follows:

8 (1) The Clerk is directed to **STRIKE** plaintiff's Motion to Remand Alternatively
9 Under Sentence Six, Dkt. 14, as well as the Declaration of Jamie Olivares, Dkt. 14, Atts. 1-5,
10 and plaintiff's opening brief, Dkt. 10. The Clerk is further directed to strike plaintiff's motion
11 for extension of time, Dkt. 12, as MOOT.

12 (2) Plaintiff is directed to re-file the opening brief to include any arguments set
13 forth in the motion to remand under sentence six by no later than **Friday, July 20, 2018**.
14 Plaintiff's revised opening brief shall comply with the 18-page limit set forth in the Scheduling
15 Order, and any personal data identifiers in the exhibits shall be redacted in a manner that
16 complies with LCR 5.2(a).

17 (3) The Court imposes SANCTIONS against plaintiff's counsel in the amount of
18 \$200 for counsel's repeated failure to comply with LCR 5.2(a). Plaintiff's counsel shall file a
19 certification with the Court by Friday, July 20, 2018 showing that this sanction has been paid
20 to the registry of the Court. **Moreover, plaintiff's counsel is advised that if the undersigned**
21 **receives another submission from him in this case, or any other, that fails to comply with**
22 **LCR 5.2, sanctions will be imposed without another opportunity to show cause or correct**
23 **the error.**


24 (4) The Commissioner's responsive brief is due by no later than Friday, August 17,
25 2018, and the plaintiff's optional reply brief is due by no later than Friday, August 31, 2018.

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(5) The Clerk is directed to send a copy of this Order to all counsel of record.

DATED this 16th day of July, 2018.



JAMES P. DONOHUE
United States Magistrate Judge