

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FILED
16 APR 26 AM 10:53
MICHAEL J. NEWMAN
UNITED STATES
MAGISTRATE JUDGE

IN RE:

SOCIAL SECURITY APPEALS

SEVENTH AMENDED MAGISTRATE JUDGES' GENERAL ORDER 11

To provide for the efficient adjudication of appeals to this Court of decision of the Commissioner of Social Security under the Social Security Act, it is hereby **ORDERED** with respect to all such appeals:

1. All prior Orders of the United States Magistrate Judges at Dayton with respect to Social Security cases are hereby **RESCINDED**.

2. The Commissioner shall file and serve on the plaintiff a certified copy of the administrative record within sixty (60) days after the completion of service of process, which copy shall serve as the answer. *See* S.D. Ohio Civ. R. 8.1(a). In all cases in which the certified administrative record has been filed electronically, all record references in subsequent filings shall be to the electronic page, *i.e.*, to the PageID No. ____ which appears in the upper right hand corner of the electronic document as filed.

3. Not later than forty-five (45) days after service of the administrative record, the plaintiff must file and serve a statement of errors setting forth the specific grounds upon which the plaintiff seeks reversal or remand. *See* S.D. Ohio Civ. R. 8.1(b). This statement shall be organized in the form of a memorandum in support of the plaintiff's position and shall also include PageID references to the administrative record as well as citations of applicable law and supporting authority. Statements of specific errors shall present the detail ordinarily expected in

a motion for summary judgment, and shall raise and address all issues as to which the plaintiff seeks review.

4. Not later than forty-five (45) days after service of the statement of specific errors, the Commissioner shall file and serve a memorandum in opposition to the plaintiff's statement of specific errors. *Id.* The memorandum in opposition shall be organized in the form of a memorandum in opposition to the plaintiff's position and in support of the Commissioner's decision and shall also include PageID references to the administrative record as well as citations to applicable law and supporting authority.

5. Plaintiff may file and serve a reply memorandum not later than fifteen (15) days after service of the Commissioner's memorandum in opposition. *Id.* Consistent with the practice in this Circuit, the Court will not consider any new allegations of error introduced in the reply memorandum.

6. All cases will be decided on the memoranda and the administrative record, unless the Court orders oral argument.

7. In cases decided by a Magistrate Judge upon the unanimous consent of the parties under 28 U.S.C. § 636(c), appeals may be taken as provided by law. In cases in which the Magistrate Judge files a report and recommendations to a District Judge on the merits of the case, the time for filing objections and responses to objections is the fourteen-day period provided by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, unless modified by the Court.

8. The practice of seeking lengthy extensions of time (e.g., thirty days or more) on conclusory grounds (e.g., "heavy caseload," or "press of business") is strongly discouraged, and any requested extension on conclusory grounds will be denied. The parties and counsel are notified that repeated requests of this nature may lead to sanctions. All requests for extension

that do not comply with S.D. Ohio Civ. R. 7.3 will be denied. The Ohio Rules of Professional Conduct counsel attorneys not to accept more work than they can reasonably handle.


9. When a case is remanded to the Commissioner for further proceedings and those proceedings are completed, if the Commissioner's new decision is adverse to the plaintiff, the Commissioner shall file and serve a copy of the supplemental administrative record. The matter shall then be briefed in accordance with the Local Rules of this Court and this General Order.


10. When the case is remanded to the Commissioner for further proceedings and those proceedings are completed, if the plaintiff accepts the Commissioner's new decision, plaintiff's counsel shall, within fourteen (14) days of receipt of the Commissioner's new decision, notify the chambers of the Magistrate Judge to whom the case is assigned that the plaintiff accepts the new decision and the plaintiff does not seek further judicial review.

11. This Order is effective immediately and applies to cases currently pending before the Court.

IT IS SO ORDERED.

Date: April 26, 2016


Sharon L. Ovington
Chief United States Magistrate Judge


Michael J. Newman
United States Magistrate Judge