

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

*Note: Order vacated - pilot
program terminated.

In the Matter of:)
)
Social Security Appeals)
Pilot Program)

Please refer to Fed.R. Civ. P.
Supplemental Rules for Social
Security Actions and Local
Rule 9.

GENERAL ORDER No. 74

In light of the continuing increase in Social Security appeals filed in this district, the court hereby adopts the following procedures as a pilot program in an effort to expedite review of these cases:

1. Within 60 days after the Commissioner files a Notice of Appearance and the Administrative Record (AR), the plaintiff shall file and serve a motion for order reversing the Commissioner's decision, which may not exceed 15 pages. At the same time, the plaintiff shall file and serve a statement of facts consisting of numbered paragraphs and supported by specific citations to the AR. The statement must reference facts in the AR as opposed to conclusions of law, and shall not exceed 10 pages. The Commissioner shall not be required to file an Answer and his or her Notice of Appearance shall serve as a general denial.

2. Within 60 days after the plaintiff files the motion for order reversing the Commissioner's decision and statement of facts, the Commissioner shall file and serve a motion for order affirming the Commissioner's decision, which shall not exceed 15 pages. At the same time, the Commissioner may either adopt the plaintiff's statement of facts or file and serve an additional statement of facts. If the Commissioner elects to supplement the plaintiff's statement of facts, the Commissioner shall designate supplemental facts by referencing the plaintiff's numbered paragraphs to which they refer and adding an alphabetical reference (e.g., 1(a)). If the Commissioner decides to proffer additional facts which are unrelated to those proffered by the plaintiff, the Commissioner shall use numbered paragraphs commencing after the plaintiff's last numbered paragraph (e.g., plaintiff's last numbered paragraph is 22, the Commissioner's additional facts would begin at 23). The Commissioner's statement of supplemental and additional facts must reference facts in the AR as opposed to conclusions of law, and shall not exceed 10 pages.

3. Within 14 days after the Commissioner files the motion for order affirming the Commissioner's decision and statement of additional facts, the plaintiff may file a reply, which shall not exceed seven pages.

4. The parties' obligation to cite to the pertinent facts and the supporting references in the AR pursuant to L.R. 9(a)(6)(C) in their motions remains unchanged.

5. This pilot project shall commence on **October 21, 2016** and shall apply to all Social Security appeals filed on or after such date and continue until further order of the court. On or about August 1, 2017, the court will hold a bench-bar meeting to determine whether and how the pilot program is working.

SO ORDERED:

Dated in the District of Vermont, this 7th day of October, 2016.


VACATED
Christina Reiss, Chief Judge
U.S. District Court