

Local Rule 5-12 – Social Security Appeals

(a) Applicability of Federal Rules – Effective December 1, 2022, the Federal Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g) apply to such actions, subject to the exception in 28 U.S.C. § 2074. The Federal Supplemental Rules control in the event of any inconsistency with these rules.

(b) Briefing Schedule. The court finds good cause in all cases to revise the briefing times in the Federal Supplemental Rules as follows: The plaintiff will have 56 days from the date of the court's scheduling order to file a brief in support of the complaint. The defendant will have 56 days after service of the plaintiff's brief to file a response, and the plaintiff will have 28 days after service of the response brief to file a reply. Motions for extension are disfavored absent compelling circumstances.

Note: Effective December 1, 2022, this rule is revised to recognize and comport with the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g), added to the Federal Rules of Civil Procedure in 2022.