

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY

**GENERAL ORDER NO. 22-15**

In re: Social Security Actions )  
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**STANDING PROCEDURES  
GOVERNING FILINGS, BRIEFING,  
AND RESOLUTION OF ACTIONS**

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To comply with the Supplemental Rules for Social Security actions filed pursuant to 42 U.S.G. § 405(g), the following is adopted and it is hereby

**ORDERED** as follows:

(1) An action for review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g) presenting an individual claim for relief is commenced by the filing of a complaint with the Court. The complaint must include a short and plain statement of the grounds for relief and:

(a) state that the action is brought under 42 U.S.C. § 405(g) and identify the final decision to be reviewed, including any identifying designation provided by the Commissioner with the final decision;

(b) state the name and the county of residence of the person for whom benefits are claimed;

(c) name the person on whose wage record benefits are claimed; and

(d) state the type of benefits claimed.

(2) The Clerk of the Court is directed to notify the Commissioner of the commencement of the action by transmitting a Notice of Electronic Filing to the Social Security Administration's Office of General Counsel and to the United States Attorney for the Eastern District of Kentucky. If the complaint is not filed electronically, the Clerk of the Court is directed to notify the plaintiff of the transmission. The plaintiff need not serve a summons and complaint under Rule 4 of the Federal Rules of Civil Procedure.

(3) An answer to the complaint must be served on the plaintiff within 60 days after the notice of the action is given under paragraph (2) above. An answer may be limited to a certified copy of the administrative record and to any affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure. Civil Rule 8(b) does not apply.

(4) A motion under Rule 12 of the Federal Rules of Civil Procedure must be made within 60 days after notice of the action is given under paragraph (2) above. Unless the Court sets a different time, serving a motion pursuant to this paragraph alters the time to answer as provided in Rule 12(a)(4) of the Federal Rules of Civil Procedure.

(5) The action is presented for decision by the parties' briefs. A brief must support the assertions of fact by citations to particular parts of the record. More specifically, the parties shall provide the Court with specific page citations to the administrative record to support their arguments. The Court will not undertake an open-ended review of the entirety of the administrative record to find support for the parties' arguments. Submission of briefs shall be as follows:

(a) The plaintiff must file and serve on the Commissioner a brief for the relief requested within 30 days after the answer is filed or within 30 days after entry of an order

disposing of the last remaining motion under paragraph (4) above. The plaintiff's brief may not exceed 15 pages.

(b) The Commissioner must file a brief and serve it on the plaintiff within 30 days after service of the plaintiff's brief. The Commissioner's brief may not exceed 15 pages.

(c) The plaintiff may file a reply brief and serve it on the Commissioner within 14 days after service of the Commissioner's brief. The reply brief may not exceed 8 pages.

(6) Extensions of time, expansion of page limitations, or permission to file additional briefs may be granted only if good cause is shown.


(7) Except as otherwise provided by this Order, motion practice shall be governed by Local Rule 7.1.

(8) These procedures become effective December 1, 2022, and the Clerk of the Court is directed to file a copy of this General Order in all actions which are filed on or after that date seeking review of the final decision of Commissioner of Social Security under 42 U.S.C. § 405(g).

(9) On December 1, 2022, this General Order shall supersede General Order 13-17 filed October 24, 2013.

Dated: November 16, 2022.



  
Danny C. Reeves, Chief Judge  
United States District Court  
Eastern District of Kentucky