

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF PROCEDURES  
FOR SOCIAL SECURITY CASES

GENERAL ORDER NO. 2022-13

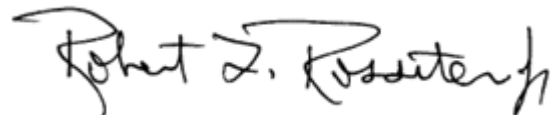
IT IS ORDERED that the following procedures shall govern all actions filed on or after December 16, 2022, to challenge a final decision of the Commissioner of the Social Security Administration pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g):

1. Within 60 days of receiving notice of the action, the Commissioner shall file a response to the complaint and, if answering, shall also file a certified copy of the administrative record. If a closed case is reopened, the Commissioner shall file a certified copy of the administrative record within 60 days after the order reopening the case is entered.
2. Within 30 days after the administrative record is filed, the plaintiff shall file a motion for an order reversing the Commissioner's decision, or granting other relief, together with a supporting brief of not more than 13,000 words. The brief should be in text-searchable format (see NECivR 10.1) and should contain at least the following sections:
  - a. A statement of the issues presented for review.
  - b. A concise statement of the case, describing briefly the course of the proceeding and its disposition at the administrative level.
  - c. A statement of material facts, preferably set forth in short paragraphs arranged in chronological order. All facts stated must be supported by page references to the administrative record (*e.g.*, Filing No. 10-1, at CM/ECF p. 123), and counsel are strongly encouraged to hyperlink such page references to the electronically filed administrative record.
  - d. An argument divided into subsections separately treating each issue presented for review.

- e. A short conclusion stating the relief sought.
- 3. Within 30 days after the plaintiff's motion is filed, the Commissioner shall file a motion for an order affirming the Commissioner's decision, or granting other relief, together with a supporting brief of not more than 13,000 words. If the Commissioner disagrees with the plaintiff's statement of issues, statement of the case, or statement of facts, or thinks the plaintiff's statement is incomplete, the Commissioner's brief should include a non-repetitive counter-statement. Any facts stated must be supported by page references to the administrative record, preferably hyperlinked. The Commissioner's brief (which should be in text-searchable format) should also contain:
  - a. An argument divided into subsections responding to the plaintiff's argument.
  - b. A short conclusion stating the relief sought.
- 4. Within 14 days after the Commissioner's brief is filed, the plaintiff may file a reply brief of not more than 6,500 words. The reply brief may not merely repeat the plaintiff's initial arguments, but rather must address factual or legal issues raised in the Commissioner's brief.
- 5. No other briefs or filings opposing or supporting a motion are permitted. Compliance with the word limits contained in this order shall be established pursuant to the procedures set forth in NECivR 7.1(d).
- 6. Unless otherwise ordered, all Social Security cases will be submitted to the Court for decision on the foregoing briefs, without oral argument.
- 7. The Clerk of Court shall file a copy of this order in each Social Security case filed on or after December 16, 2022.

Dated this 16th day of December 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge