

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF AMENDMENTS
TO LOCAL CIVIL RULE 8

Administrative Order No. 22-RL-096

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On December 1, 2022, the new Federal Supplemental Rules for Social Security Cases take effect. To implement these rules, the district judges have unanimously approved amendments to Local Civil Rule 8.

Accordingly,


IT IS ORDERED that Local Civil Rule 8 be and hereby is amended as set forth in the attachment to this Administrative Order.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this Administrative Order to the Judicial Conference of the Sixth Circuit. All attorneys registered for electronic service on the CM/ECF system shall be given electronic notice of this rule amendment, and the official rules posted on the Court's website shall be amended accordingly.

IT IS FURTHER ORDERED that the amendments to Local Civil Rule 8 shall be effective on December 1, 2022.

FOR THE COURT:

Dated: November 2, 2022



HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE

Local Civil Rule 8. General rules of pleading

8.1 Complaints in Social Security cases – Complaints filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for benefits under Titles II, XVI and XVII of the Social Security Act shall contain, in addition to what is required under Rule 8(a) of the Federal Rules of Civil Procedure, the following information: (1) a statement that the action is brought under 42 U.S.C. § 405(g); (2) the identification of the final decision to be reviewed, including any identifying designation provided by the Commissioner with the final decision; (3) the name, as well as the county of residence, of the person for whom benefits are claimed; (4) in cases involving claims for retirement, survivors, disability, or health insurance, the last four digits of the social security number of the worker (who may or may not be the plaintiff) on whose wage record the application for benefits was filed; (5) in cases involving claims for supplemental security income benefits, the social security number of the plaintiff; and (6) the type of benefits claimed.

(a) Electronic service – The Clerk of Court shall, within seven days of the filing of the complaint, notify the Commissioner of the commencement of the action by transmitting a Notice of Electronic Filing to the appropriate office within the Social Security Administration’s Office of General Counsel and the United States Attorney for the district where the action is filed.

(b) Other service – If the complaint was not filed electronically, the Clerk of Court shall, within seven days of the filing of the complaint, notify the plaintiff of the transmission.

(c) Service of summons and complaint – The plaintiff need not serve a summons and complaint under Federal Rules of Civil Procedure 4.

8.2 Answers and replies – Except in Social Security cases as provided in [LCivR 8.3](#) and cases brought by a plaintiff, a responsive pleading under Rule 8(b) of the Federal Rules of Civil Procedure shall recite verbatim that paragraph of the pleading, or amended pleading, to which it is responsive, followed by the response. Upon request, an attorney must provide to opposing counsel a copy of the complaint or other pleading to which a response is due, in native word processing format, so that opposing counsel may comply with this rule.

8.3 Answers in Social Security cases – In all Social Security cases filed under 42 U.S.C. §§ 405(g) and 1383(c)(3), defendant shall have sixty (60) days after notification of the commencement of the action to file and serve upon plaintiff a certified copy of the administrative record of the proceedings, which shall constitute defendant's answer, or otherwise move against the complaint. No separate answer need be filed. Unless the court sets a different time, serving a motion under Federal Rules of Civil Procedure 12 alters the time to answer as provided by Federal Rules of Civil Procedure 12(a)(4).

8.4 Presenting an action for decision – An action under § 405 is presented for decision by the parties' briefs. A brief must support assertions of fact by citations to particular parts of the record by PageID, in accordance with [LCivR 10.9](#).

(a) Plaintiff's Brief – The Plaintiff shall file and serve on the Commissioner a brief for the requested relief within thirty (30) days after the answer is filed or thirty (30) days after entry of an order disposing of the last remaining motion filed under Federal Rules of Civil Procedure 12, whichever is later.

(b) Commissioner's Brief – The Commissioner shall file a brief and serve it on the plaintiff within thirty (30) days after service of the plaintiff's brief.

(c) Reply Brief – The plaintiff may file a reply brief and serve it on the Commissioner within fourteen (14) days after service of the Commissioner’s brief.

Effective date: December 1, 2022

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