

**UNITED STATES DISTRICT COURT**

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DISTRICT OF VERMONT

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**RICHARD PAUL WASKO**  
CLERK

**NOTICE OF LOCAL RULE CHANGE  
DISTRICT COURT LOCAL RULE 7.1(d)**

Counsel are advised that Local Rule 7.1(d) regarding appeals from Social Security judgments has been amended. The new subsection requires the submission of a Proposed Joint Statement of Material Facts by the parties to the action after the administrative record of proceedings has been filed with the Court. The new rule also requires the filing - by each respective party - of either a Motion to Affirm or to Reverse the Decision of the Commissioner of Social Security after the *final version* of the Proposed Joint Statement of Material Facts has been filed. Local Rule 7.1(d) is effective and applies to all cases *filed on or after* February 1, 2003.

**RICHARD PAUL WASKO**  
**Clerk of Court**

Attachment: Local Rule 7.1(d) As Revised

**(d) Motions in Social Security Cases.**

**[Effective February 1, 2003]**

The following procedures shall govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

**(1) Time for Service and Filing of Answer.** The defendant must serve and file its answer, together with a certified copy of the administrative record, within sixty (60) days after service of the complaint on the Commissioner.

**(2) Service of Proposed Joint Statement of Material Facts.** Within thirty (30) days after the administrative record is filed, the defendant must serve on the plaintiff a Proposed Joint Statement of Material Facts. This statement must be in narrative form, contain record citations, describe all facts pertinent to the decision of the case and all significant procedural developments, and define all medical terms.

**(3) Revisions to Proposed Joint Statement.** The plaintiff must inform the defendant within fifteen (15) days after service of the Proposed Joint Statement of Material Fact of any proposed additions or deletions to the joint statement. If the parties are unable to agree on facts to be included in the joint statement, they must attach a list of the disputed facts to the joint statement identifying the party who proposes inclusion of each disputed fact and the record support for each proposed fact.

**(4) Service of Revised Joint Statement of Material Facts.** Within fifteen (15) days after service of the proposed additions or deletions to the Proposed Joint Statement, the defendant must serve and file the revised Joint Statement of Material Facts with the list of any disputed facts.

**(5) Motion for Order Reversing the Commissioner's Decision.** Within thirty (30) days after the filing of the Joint Statement, the plaintiff must file a Motion for Order Reversing Decision of the Commissioner or for other relief and a supporting memorandum, based on the Joint Statement.

**(6) Motion for Order Affirming the Commissioner's Decision.** Within thirty (30) days after the plaintiff's motion is filed, the defendant must serve and file a Motion for Order Affirming Decision of the Commissioner or for other relief and a supporting memorandum, based on the Joint Statement, responding to the specific issues raised in the plaintiff's motion.

**(7) Reply to Defendant's Motion.** Within ten (10) days after the defendant's motion is filed, the plaintiff may file a reply to defendant's motion.