

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**SUPPLEMENTAL STANDING PROCEDURAL ORDER FOR
CASES SEEKING SOCIAL SECURITY REVIEW**

This Order supplements the Standing Procedural Order for Cases Seeking Social Security Review dated November 19, 2018.

This Supplemental Standing Procedural Order is issued to effectuate the agreement among the U.S. District Court for the Eastern District of Pennsylvania; the Commissioner of the Social Security Administration (“Commissioner”); and the U.S. Attorney General and the U.S. Attorney for the Eastern District of Pennsylvania (collectively “United States”), pursuant to which the Commissioner and United States agreed, on a pilot basis for one year from June 8, 2020, to accept the summons and complaint as outlined in Federal Rule of Civil Procedure 4(i) in actions filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), by electronic means via the Court’s Case Management/Electronic Case Files System (“CM/ECF”). The agreement is designed to facilitate timely and efficient service of process for civil actions filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), against the Commissioner of the Social Security Administration.

To effectuate the agreement of the above-named parties, it is ORDERED effective immediately:

1. Paragraphs 1 and 2 of the Standing Procedural Order for Cases Seeking Social Security Review dated November 19, 2018 regarding service of the summons and complaint, and service and filing of an answer and a certified copy of the transcript of the administrative record, are hereby amended as follows:
 - a. In cases where the filing fee has been paid and in cases where Plaintiff is proceeding *in forma pauperis*, upon filing of the complaint by Plaintiff, the Clerk of Court shall issue the summonses in accordance with Federal Rule of Civil Procedure 4(i) by electronic means via the Court’s Case Management/Electronic Case Files System (“CM/ECF”), upon: the Commissioner and United States. Service is not considered effectuated until the date of the CM/ECF filing of the complaint and issuance of the summonses, whichever is later (“Date of Service”). Other filings and/or CM/ECF actions related to the filing of a complaint and/or summons, including but not limited to an application for *in forma pauperis*, do not constitute service.
 - b. The Clerk’s Office will ensure that CM/ECF notifications indicating that the complaint has been filed, and summonses have been issued, are sent to ogc.edpa.complaints@ssa.gov and USAPAE.SSAComplaints@usdoj.gov.
 - c. The Commissioner, within 60 days of the Date of Service, shall file and serve either a dispositive motion or the Certified Administrative Record, which shall be deemed an answer (general denial) to Plaintiff’s complaint as outlined in Federal Rule of Civil Procedure 8(b)(3). However, due to the nationwide backlog that was created in 2020 when the Agency shifted to preparing the Certified Administrative Record remotely due to the COVID-19 pandemic, the Agency shall temporarily have 180 days from the Date of Service to file and serve either a dispositive motion or the Certified Administrative Record. This additional time is designed to eliminate the need for the Agency to file, and the Court to rule upon, motions for extensions of time to file the Certified Administrative Record in every case. The Agency may request an additional extension of time so long as the extension request is filed 10 days in advance of the 180 day deadline. This 180 day time period is effective the date of this Standing Order and is intended to be temporary in nature,

expiring six months from the date below. The Court will re-evaluate the need for this 180 day time period at that time.

- i. Critical Case – When a case that meets the criteria for being expedited as a “critical case” as defined by the Agency's Hearings, Appeals, and Litigation Law Manual has not already been expedited by the Agency, Plaintiff's counsel shall confer with Agency counsel about that issue as soon as possible. If the parties cannot agree on whether the case should be expedited, Plaintiff may file a motion seeking an order requiring that the Certified Administrative Record be prepared and filed in a shorter timeframe than what this Standing Order would otherwise allow.
2. Paragraphs 3 through 8 of the Standing Procedural Order for Cases Seeking Social Security Review dated November 19, 2018 remain in effect. For questions or additional information, please contact the Clerk's Office at PAED_clerksoffice@paed.uscourts.gov.
3. This Supplemental Standing Order will expire no later than December 31, 2021, unless extended by further Court order.

Date: June 17, 2021

/s/ Juan R. Sánchez

Juan R. Sánchez
Chief Judge