

UNITED STATES DISTRICT COURT
FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY

JOINT GENERAL ORDER No. 2018-02

IN RE: AMENDMENTS TO JOINT LOCAL RULES

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Pursuant to LR 83.14 and LCrR 57.7 of the Joint Local Rules of the Eastern and Western Districts of Kentucky, and pursuant to the authority granted by Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, upon recommendation of the Joint Local Rules Commission, and in consideration of multiple comments received, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

- A. LR 5.1(b) and LCrR 49.1(b) – Form of Pleadings** – is amended as follows in order to provide restrictions on paper size, line spacing, margins, typeface, and type styles:

LR 5.1. FORM OF PLEADINGS

...

(b) Format. All pleadings, motions, and other papers filed with the Court must be in size 8½ x 11 inch page format with margins of at least one inch on all sides, with text double spaced (except for appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

LCrR 49.1. FORM OF PLEADINGS

...

(b) Format. All pleadings, motions, and other papers filed with the Court must be in size 8½ x 11 inch page format with margins of at least one inch on all sides, with text double spaced (except for appropriate block quotes, headings, and footnotes), in at least 12-point proportionately-spaced font.

- B. **LR 7.1(d) – Motions** – is amended as follows in order to reduce the permissible length of motions and responses from 40 pages to 25 pages, absent leave of court:

LR 7.1 MOTIONS

...

(d) Page Limitations. Motions and responses may not exceed 25 pages without leave of Court. Replies may not exceed 15 pages without leave of Court.

- C. **LR 83.11 – Social Security Cases** – is amended as follows in order to correct references from “plaintiff” to “claimant” consistent with the statutory language and to recognize other grounds to seek recovery of attorney’s fees:

LR 83.11 SOCIAL SECURITY CASES

...

(b) Commissioner’s Time to Respond. Within 60 days of service of the complaint, the Commissioner of Social Security must file an answer and transcript of the administrative proceedings. An initial extension of up to 60 days may be granted, for good cause, upon motion of the Commissioner. If the responsible Social Security Administration official files an affidavit detailing the circumstances that require additional time, a second extension of time to respond may be granted. No other extension will be granted.

(c) Judicial Review. At the discretion of the judge to whom the case is assigned, judicial review may occur on written motion or oral argument. Unless otherwise ordered, motion practice will occur as follows:

(1) Claimant must move for summary judgment or judgment on the pleadings within 60 days of the filing of the answer and administrative transcript.

(2) The Commissioner must file a countermotion or a response to the claimant’s motion within 30 days of service of the claimant’s motion.

(3) The Clerk must submit the case to the judicial officer immediately following the filing of the Commissioner’s countermotion or response.

(4) Extensions of time may be granted only if good cause is shown or there is no objection from any party.

(d) **Attorney's Fees in Social Security Cases.** Claimant's counsel may petition for attorney's fees, awardable under § 206(b) of the Social Security Act, 42 U.S.C. § 406(b), and any other applicable statute permitting an award of attorney's fees in such cases, within 30 days of a final favorable decision for claimant.

(1) *Petition.* The attorney's fee petition must include an itemization of the services provided in both the administrative and the judicial proceedings. Claimant's counsel must serve a copy of the fee petition on the claimant and the United States Attorney.

(2) *Responses.* The United States Attorney must respond to the attorney's fee petition within 30 days of the petition's filing. The government's response must include a statement of accrued benefits and must advise the Court whether the government considers the fee to be reasonable. The government must serve a copy of the response on the claimant and the petitioning attorney. The claimant may respond to the attorney's fee petition within 30 days of the petition's filing.

- D. **LR 65.1.1(h) and LCrR 46.1(h) – Lis Pendens Notice and Fees** – is amended as follows in order to reflect the actual practice and procedure of the clerk's office:

LR 65.1.1 BOND AND SURETY REQUIREMENTS

...

(h) Lis Pendens Notice and Fees. The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice of lis pendens is required upon the execution of the bond.

LCrR 46.1 RELEASE FROM CUSTODY—WHEN SURETY IS REQUIRED

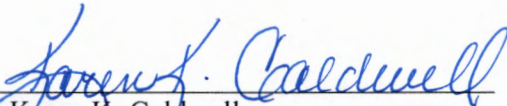
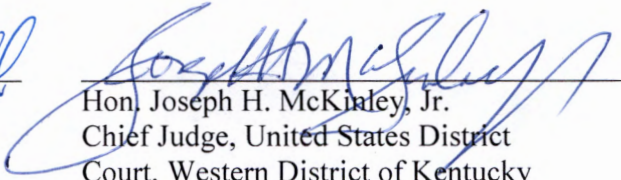
...

(h) Lis Pendens Notice and Fees. The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice of lis pendens is required upon the execution of the bond.

The amendments reflected in this Joint General Order shall be incorporated into the Courts' Joint Local Rules published on the Courts' respective websites. Copies of this Order shall be made available to the public on the Courts' respective websites and made available to the various publishing companies that publish the Joint Local Rules of the Eastern and Western

Districts of Kentucky. The amendments noted in this Order shall take effect upon entry of this Order.

IT IS SO ORDERED:

 _____ Hon. Karen K. Caldwell Chief Judge, United States District Court, Eastern District of Kentucky	 _____ Hon. Joseph H. McKinley, Jr. Chief Judge, United States District Court, Western District of Kentucky
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ENTERED

AUG 10 2018

VANESSA L. ARMSTRONG
BY _____
DEPUTY CLERK