

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SANDRA O'BRIEN,)
)
 Plaintiff,)
)
 v.) 1:11-cv-00193-GZS
)
)
 SOCIAL SECURITY ADMINISTRATION)
 COMMISSIONER,)
)
 Defendant)

ORDER TO SHOW CAUSE

O'Brien's complaint against the Social Security Administration was filed on May 11, 2011. The Answer and Administrative Record were filed on July 11, 2011. On that same day, the Procedural Order was entered setting a deadline of September 9, 2011, to file the Statement of Errors/Fact Sheet. That deadline has come and gone and neither a Statement of Errors nor a motion for an extension of time has been filed.

Attorney Bradford MacDonald is not a novice in these matters and is fully aware of this court's procedure in dealing with complaints against the Social Security Administration. In an earlier case he filed in this court, Walter G. Durgin v. Social Security Administration Commissioner, Civil No. 1:10-cv-00422-GZS, Mr. MacDonald missed the deadline for filing the Statement of Errors and I issued an Order to Show Cause, to which Mr. MacDonald responded blaming the neglect on "the press of other matters." (Id., at Doc. No. 11). I granted an extension of time, coupled with the admonition that failure to comply with the Procedural Order in a social security case could result in the imposition of sanctions, up to and including dismissal. (Id., at Doc. No. 12).

I am once again issuing an identical Order to Show Cause in this case. The Durgin case was just argued at the September 12, 2011, session of social security oral arguments and attorney MacDonald has missed a second filing deadline in a second unrelated case, before the ink is even dry on the Durgin opinion. I do not subscribe to the notion that it is the magistrate judge's role to act as a tickler system for Mr. MacDonald's law office. It is counsel's obligation to comply with the deadlines set in the court's orders. The court has a significant backlog of social security cases. They can be fairly and efficiently managed only if both counsel and the court prioritize these matters and adhere to the deadlines that are established.

If plaintiff's counsel offers a reasonable explanation for his second error, other than the "press of business," I will refrain from issuing a recommendation that this matter be summarily dismissed. However, counsel is on notice that his continued inattention to filing deadlines could seriously prejudice his clients' ability to pursue appeals in this court. I view the repeated nature of this conduct as very problematical, requiring this court's serious consideration whether to allow this case to proceed to oral argument if counsel attempts to file, without specific leave of court, a tardy statement of errors. Counsel shall respond to this show cause order by September 15, 2011, and shall include within his response a detailed explanation of steps taken to prevent this sort of carelessness from happening yet again.

So Ordered.

September 13, 2011

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

O'BRIEN v. SOCIAL SECURITY ADMINISTRATION
COMMISSIONER
Assigned to: JUDGE GEORGE Z. SINGAL
Referred to: MAGISTRATE JUDGE MARGARET J.
KRAVCHUK
Cause: 42:405 Review of HHS Decision (DIWC)

Date Filed: 05/11/2011
Jury Demand: None
Nature of Suit: 864 Social Security:
SSID Tit. XVI
Jurisdiction: U.S. Government
Defendant

Plaintiff

SANDRA O'BRIEN

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V.

Defendant

**SOCIAL SECURITY
ADMINISTRATION
COMMISSIONER**

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