

United States District Court



District of Maine

Notice of Proposed Amendments to the Court's Local Rules

Published October 25, 2022

The United States District Court, in collaboration with the District Local Rules Advisory Committee, proposes amendments to the following Local Rules effective December 1, 2022:

Local Rule 7.1 Disclosure Statements

Local Rule 7.1 will be amended to comply with the amendment to Federal Rule 7.1, which takes effect on December 1, 2022. The amendment expands the disclosure statement requirements to include corporate disclosure information and that all parties and intervenors in cases asserting diversity of citizenship jurisdiction to provide a statement regarding that party's citizenship.

Local Rule 16.3(a)(2) Social Security Appeals

New Federal Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) take effect on December 1, 2022. This Court's Local Rule 16.3(a)(2) will be amended to incorporate the new federal Supplemental Rules.

Please submit any comments on the proposed amendments by November 25, 2022. Comments may be sent to:

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Current Rule - Local Rule 7.1 – Corporate Disclosure	Proposed Amended Rule 7.1 – Disclosure Statement
<p>To enable the Court to evaluate possible disqualification or recusal, counsel for all non-governmental parties shall file with their first appearance a Notice of Interested Parties, which shall list all persons, associations of persons, firms, partnerships, limited liability companies, joint ventures, corporations (including parent or affiliated corporations, clearly identified as such), or any similar entities, owning 10% or more of the named party. Counsel shall be under a continuing obligation to file an amended Notice if any material change occurs in the status of an Interested Party, such as through merger, acquisition, or new/additional membership.</p>	<p>a) Who Must File; Contents</p> <p>(1) Non-Governmental Corporations. A non-governmental corporate party or non-governmental corporate party that seeks to intervene must file a disclosure statement.</p> <p>(i) Definition: A non-governmental corporate party is any nongovernmental entity that is not an individual, including but not limited to a corporation, limited liability company, sole proprietorship, partnership, firm, joint venture, trust, or similar entity.</p> <p>(ii) Contents: The disclosure statement of a non-governmental corporate party must identify any parent corporation, publicly held corporation, affiliated corporation, limited liability company, partnership, firm, joint venture, trust, or other entity, or any individual owning 10% more of the stock or having 10% or more ownership interest in the non-governmental corporate party, or state that there is no such entity or individual.</p> <p>(2) Parties or Intervenors in a Diversity Case. In an action based on diversity under 28 U.S.C. § 1332(a), all parties or intervenors, whether governmental, corporate, or individual, must file a disclosure statement setting forth the information required by Fed.R.Civ.P. 7.1(a)(2).</p> <p>(b) Time to File; Obligation to Supplement</p> <p>A party or intervenor must:</p> <p>(1) File a disclosure statement required by 7.1(a)(1) and/or (a)(2) above with its first appearance, pleading, petition, application, motion, notice, response, or other request addressed to the Court; and (2) Promptly file a supplemental disclosure statement identifying (i) any change of ownership of a non-governmental corporate party or intervenor resulting in a previously undisclosed entity or individual owning 10% or more of the stock or having 10% or more ownership interest in the non-governmental corporate party, or</p>

	(ii) any change of citizenship of an individual or entity whose citizenship is attributed to a party or intervenor.
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<p align="center">Current Local Rule 16.3(a)(2) – Case Management Track Procedures for Social Security Disability Cases</p>	<p align="center">Proposed Local Rule 16.3(a)(2) – Case Management Track Procedures for Social Security Disability Cases</p>
<p align="center">(As amended July 1, 2022)</p> <p>(2) <u>Social Security Disability Cases.</u> These matters are referred upon filing to a magistrate judge for further proceedings as follows:</p> <p>(A) Within thirty (30) days of the filing of the transcript and answer, counsel for the plaintiff shall file with the Court an itemized statement of the specific errors upon which the plaintiff seeks reversal of the Commissioner’s decision, and complete and file a Fact Sheet available in the Clerk’s Office. Plaintiff’s itemized statement of the specific errors shall not exceed twenty (20) pages in length. On a showing of good cause, the plaintiff may move to extend the 30-day deadline by an additional fifteen (15) days.</p> <p>(B) The Commissioner shall file an opposition to the Plaintiff’s itemized statement of specific errors no later than thirty (30) days after</p>	<p>(2) <u>Social Security Disability Cases.</u> These matters are referred upon filing to a magistrate judge for proceedings under the Supplemental Rules for Social Security Actions under 42 U.S.C. § 405(g) and these additional procedures:</p> <p>A. Except by leave of Court, the parties’ principal briefs must not exceed twenty (20) pages and Plaintiff’s reply brief must not exceed ten (10) pages.</p> <p>B. Instead of filing a brief, the Commissioner may move to remand.</p> <p>C. The Court will schedule oral argument unless it determines, in its discretion, that oral argument is unnecessary. If oral argument is held, each party will be given 15 minutes to present its position to the Court.</p> <p>D. If the parties have not consented to the magistrate judge’s jurisdiction under 28</p>

the Plaintiff files his/her statement of errors. The Commissioner's opposition shall not exceed twenty (20) pages in length. No further briefing will be permitted. On a showing of good cause, the Commissioner may move to extend the 30-day deadline by an additional fifteen (15) days.

- (C) The case, then being ready for the entry of judgment upon the pleadings and transcript of the record, will be scheduled for oral argument.
- (D) At oral argument, each party will be given 15 minutes to present its position to the Court. Counsel for the plaintiff shall set forth the specific errors about which the plaintiff complains. Counsel for the Commissioner shall then set forth reasons why the Commissioner's decision should be affirmed. Counsel are required to cite statute, regulation, and case authority to support their respective positions. Any factual assertions must be supported by transcript references. Additional time for oral argument or the

U.S.C. § 636(c), the magistrate judge will issue a recommended decision. Any party desiring to object to the recommended decision must do so under Fed. R. Civ. P. 72(b)(2) and Local Rule 72.1(a). Any party basing its objection or response on portions of the oral argument conducted under Local Rule 16.3(a)(2)(C) will provide a transcript of the oral argument.

- E. Local Rule 7 will govern any motion practice arising from filing a Social Security appeal.

presentation of briefs following argument will be permitted only for good cause shown and on such terms as the Court may direct.

(E) If the oral argument is conducted before a magistrate judge and the parties have not consented to the magistrate judge's jurisdiction pursuant to 28 U.S.C. 636(c), the magistrate judge will issue a recommended decision. Any party desiring to object to the recommended decision shall do so in accordance with Fed. R. Civ. P. 72(b) and must provide a transcript of the oral argument.

(F) The Court has the discretion to waive oral argument, either on its own, or at the request of one of the parties.