



**UNITED STATES DISTRICT COURT**  
WESTERN DISTRICT OF WASHINGTON  
UNITED STATES COURTHOUSE AT UNION STATION  
1717 Pacific Avenue, Room 3409  
Tacoma, Washington 98402-3224

**DAVID G. ESTUDILLO**  
United States District Judge

Telephone:  
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December 12, 2022

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Office of General Counsel  
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Dear Ms. Chhagan, AUSA Johnson, and Ms. Jabaily,

Thank you for participating in the Bench-Bar Social Security Committee for the U.S. District Court, Western District of Washington. As you know, the United States Supreme Court has submitted to Congress Supplemental Rules for Social Security Actions under 42 U.S.C. Section 405(g). See attached letter of Chief Justice John Roberts, dated April 11, 2022 (with attachment). The proposed Supplemental Rules are scheduled to become effective on December 1, 2022 and will apply to all cases thereafter.

Under proposed Rule 3, concerning service – the district court must notify the Commissioner by “transmitting a notice of Electronic Filing to the appropriate office within the Social Security Administration’s Office of General Counsel and to the United States Attorney for the district where the action is filed.” For complaints that were not filed electronically, the court is also required to notify the plaintiff that the court has electronically transmitted a notice to the Commissioner. The plaintiff is not required to serve a summons and complaint under Fed. R. Civ. P. 4.

Because proposed Rule 3 supersedes this Court's Amended General Order 04-15, the Court will not be extending General Order 04-15. The Pilot Program for Electronic Service in Social Security Cases will be rescinded on December 2, 2022, if proposed Rule 3 becomes effective on December 1, 2022.

Under proposed Rule 4(a), the defendant will be required to serve an answer on plaintiff within 60 days after notice of the action is given under proposed Rule 3. Proposed Rules 4, 6-8, provide the deadlines for briefs. Plaintiff's opening brief will be due 30 days from the day the Commissioner files the answer, or 30 days after entry of an order disposing of the last remaining motion filed under proposed Rule 4(c), whichever is the later date. Response briefs will be due 30 days after the plaintiff's opening brief has been served. A reply brief, if any, may be filed by plaintiff within 14 days after service of the defendant's brief. Each Judge will issue scheduling orders, and those orders control.

The proposed rules do not impose briefing page limits and thus the opening and response briefs will continue to be limited to 18 pages, and the optional reply brief will be limited to nine pages. The page limits will not be expanded unless in a specific case the Court grants a meritorious motion to file overlength brief.

The Western District of Washington has benefitted from your commitment to the Bench-Bar Social Security Committee. Thank you for devoting your knowledge, time, and creativity. I request your continued membership and collaboration on the Committee, including the annual CLE, and meeting regularly to discuss issues of importance to the Court and the community.

Our judges have been informed of the proposed plan to address the impact of the new proposed rules. Please contact Magistrate Judge Theresa Fricke should you have any concerns about the Court's proposal to make the above changes, or have suggestions of alternative or better ways to address the impact of the proposed new Social Security Rules.

Again, thank you for your work on the Bench-Bar Social Security Committee.

Sincerely,

A handwritten signature in black ink, appearing to be 'D. Estudillo', written over a horizontal line.

David G. Estudillo  
Chief United States District Judge

cc: District and Magistrate Judges, WAWD