

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF SOCIAL SECURITY
APPEAL CIVIL CASES

General Order No. 2019-13

GENERAL ORDER

This general order is being entered pursuant to 28 U.S.C. § 137 and Local Rule 40-1, providing for distribution of the court's business and caseload among the Judges in such manner as may be prescribed by order of the court.

This order refers to the separate assignment wheel for Social Security Appeals.

IT IS HEREBY ORDERED that all Social Security Appeal cases filed in the Northern District of Indiana shall be randomly assigned on a district-wide basis to United States District Court Judges and Magistrate Judges without regard to the courthouse or division in which the case is filed.

This Order will become effective on October 7, 2019, and upon becoming effective, it amends General Orders 2017-4, 2018-2, and 2018-14A, entered March 27, 2017, February 22, 2018, and September 20, 2018, respectively, and shall not affect the assignment of civil cases, other than Social Security Appeals, or criminal cases.

1. *Assignment of a Presiding Judge*

Except as hereinafter provided, the initial assignment of a presiding judge to any Social Security Appeal case in the Northern District of Indiana shall be on a district-wide basis, without regard to the courthouse or division in which the case is filed and the assignment shall be made to both United States District Court Judges and United States Magistrate Judges as set forth herein. The Clerk of the Court shall employ a centralized distribution system designed to produce

the random assignment of Social Security Appeal cases in such proportions as to leave each eligible active district judge with an equal share of the total number of Social Security Appeal cases filed in the district, and each magistrate judge with a two-third's share of the Social Security Appeal caseload assigned to an active district judge. Each senior judge shall receive a percentage of the total number of Social Security Appeals to an active district judge, with the exception of District Judge Van Bokkelen who will be assigned Social Security Appeals at the rate of 35% of the caseload assigned to an active district judge, and District Judge Moody who, consistent with General Order 2017-4, will not be assigned Social Security Appeal cases. The percentage of any senior judge's caseload is subject to change and shall be based upon the judge's annual request for certification under the Ethics Reform Act of 1989, 28 U.S.C. § 371, the judge's election to be assigned Social Security Appeal cases, the Judicial Conference rules implementing § 371, *see* Guide to Judiciary Policies and Procedures, Vol. 12, § 620.45, and the Seventh Circuit Guidelines to Determine the Staffing Requirements of Senior and Recalled Judges (adopted September 30, 1997).

2. Assignment of a Magistrate Judge

The magistrate judges of this Court have been added to the random case draw for presiding judge assignment for Social Security Appeal cases.

In a case randomly assigned to a magistrate judge, the magistrate judge is responsible for all case management and scheduling activities, and will decide all non-dispositive pretrial and discovery matters. If all parties consent in writing to the magistrate judge's exercise of civil trial jurisdiction, the case will remain assigned to the magistrate judge for all purposes, including trial and entry of final judgement. (*See* 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; LR 40-1.)

In all cases randomly assigned to a magistrate judge, the Clerk of Court will send a Notice of Availability of a United States Magistrate Judge To Exercise Jurisdiction in a Social Security Appeal Case and a Consent form to each party. Each party will have 14 days from the date that the Notice was sent to return the Consent form to the Clerk of Court in the manner outlined in the notice. If any party withholds their consent, the case will be randomly reassigned to a district judge. The district judge will then refer the case to the initially-assigned magistrate judge for a Report and Recommendation.

In all cases initially assigned to an active or senior district judge, the district judge will not refer the case to a magistrate judge for a Report and Recommendation.

SO ORDERED.

Dated: October 7, 2019

/s/ Theresa L. Springmann
Theresa L. Springmann, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge