

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02159-AP

JOSE G. RABANAL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

JOSE G. RABANAL
338 33 ½ Road
Palisade, CO 81526
(970) 434-3161

For Defendant:

DAVID M. GAOUCETTE
Acting United States Attorney

KEVIN TRASKOS
Deputy Chief, Civil Division
United States Attorney's Office
District of Colorado

THOMAS H. KRAUS
Special Assistant United States Attorney
1961 Stout Street, Suite 1001A
Denver, Colorado 80294
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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: 10/03/08**

- B. Date Complaint Was Served on U.S. Attorney's Office: 10/22z/08**

- C. Date Answer and Administrative Record Were Filed: 12/22/08**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

There are no issues with the accuracy or completeness of the administrative record.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

None anticipated.

6. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

This case does not involve unusually complicated or out-of-the-ordinary claims.

7. OTHER MATTERS

None.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: February 2, 2009**

- B. Defendant's Response Brief Due: March 18, 2009**

- C. Plaintiff's Reply Brief (If Any) Due: April 1, 2009**

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiff's Statement:** Oral Argument not requested.
- B. **Defendant's Statement:** Oral Argument not requested.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

- A. **(X) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.**
- B. **() All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.**

11. OTHER MATTERS

THE PARTIES FILING MOTIONS FOR EXTENSION OF TIME OR CONTINUANCES MUST COMPLY WITH D.C.COLO.LCivR 7.1(C) BY SUBMITTING PROOF THAT A COPY OF THE MOTION HAS BEEN SERVED UPON THE MOVING ATTORNEY'S CLIENT, ALL ATTORNEYS OF RECORD, AND ALL PRO SE PARTIES.

12. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.

DATED this 14th day of January, 2009.

BY THE COURT:

S/John L. Kane
U.S. DISTRICT COURT JUDGE

APPROVED:

s/ Jose G. Rabanal
JOSE G. RABANAL
338 33 ½ Road
Palisade, CO 81526
(970) 434-3161

Plaintiff Pro Se

UNITED STATES ATTORNEY

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s/ Thomas H. Kraus
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Attorneys for Defendant

Please affix counsel's signatures and any *pro se* party's signatures before submission of the proposed Joint Case Management Plan to the court.