

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 08-cv-02203-AP

NICHOLAS E. DURAN,

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:

Ann J. Atkinson
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For Defendant:

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KEVIN TRASKOS
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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:** October 8, 2008
- B. Date Complaint Was Served on U.S. Attorney's Office:** October 17, 2008
- C. Date Answer and Administrative Record Were Filed:** February 19, 2009.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of their knowledge, the parties state that the record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The parties do not anticipate submitting additional evidence.

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

The parties state that this case does not raise unusual claims or defenses.

7. OTHER MATTERS

The parties state that there are no other matters.

8. BRIEFING SCHEDULE

Because of workload, Defendant's attorney requested that briefing commence more than 40 days after filing the Joint Case Management Plan. Counsel for the parties agreed to the following briefing dates:

- A. Plaintiffs Opening Brief Due:** 4/27/09
- B. Defendant's Response Brief Due:** 5/27/09
- C. Plaintiffs Reply Brief (If Any) Due:** 6/11/09

9. STATEMENTS REGARDING ORAL ARGUMENT

A. Plaintiffs Statement: Plaintiff does not request oral argument.

B. Defendant's Statement: Defendant does not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

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 12th day of March, 2009.

BY THE COURT:

S/John L. Kane

U.S. DISTRICT COURT JUDGE

APPROVED:

For Plaintiff:

s/ Ann J. Atkinson

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For Defendant:

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