

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02478-AP

JOSE I. BERMUDEZ, JR.,

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:

MICHAEL W. SECKAR
402 W. 12th Street
Pueblo, CO 81003
(719) 543-8636
seckarlaw@mindspring.com

For Defendant:

DAVID M. GAOUILLE
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
(303) 844-0017
tom.kraus@ssa.gov

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: 11/13/08

B. Date Complaint Was Served on U.S. Attorney's Office: 1/02/09

C. Date Answer and Administrative Record Were Filed: 2/27/09

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The partes, to the best of their knowledge, state that the administrative record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Neither party intends to submit additional evidence.

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

The parties, to the best of their knowledge, do not believe the case raises unusual claims or defenses.

7. OTHER MATTERS

The parties have no other matters to bring to the attention of the Court.

8. BRIEFING SCHEDULE

A. Plaintiff's Opening Brief Due: 4/29/09

B. Defendant's Response Brief Due: 6/15/09

C. Plaintiff's Reply Brief (If Any) Due: 6/30/09

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiff's 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

Indicate below the parties' consent choice.

- A. () All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.
- B. (X) 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: March 17, 2009

BY THE COURT:

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

APPROVED:

s/ Michael W. Seckar
MICHAEL W. SECKAR
402 W. 12th Street
Pueblo, CO 81003
(719) 543-8636
seckarlaw@mindspring.com

Attorney for Plaintiff

DAVID M. GAOUILLE
Acting United States Attorney

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

s/ Thomas H. Kraus
By: THOMAS H. KRAUS
Special Assistant U.S. Attorney
Social Security Administration
Office of the General Counsel
1961 Stout Street, Suite 1001A
Denver, Colorado 80294
(303) 844-0017
tom.kraus@ssa.gov

Attorneys for Defendant