

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02664-AP

GILBERT W. MARTINEZ,

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:

Kenneth J. Shakeshaft
1530 South Tejon Street
Colorado Springs, CO 80905
(719) 635-5886

For Defendant:

Sandra Krider
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
1961 Stout Street, Suite 1001-A
Denver, CO 80294
(303) 844-0015

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

This is a Social Security appeal. The Court has jurisdiction pursuant to 42 U.S.C. 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. **Date Complaint Was Filed:** December 8, 2008
- B. **Date Complaint was Served on U.S. Attorney's Office:** December 22, 2008
- C. **Date Answer and Administrative Record Were Filed:** February 19, 2009

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

It appears the Administrative Record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The Plaintiff has not submitted nor does he intend to submit any additional evidence.

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

This case does not provide any unusual claims or defenses.

7. OTHER MATTERS

The Plaintiff has no other matters to bring to the attention of the Court.

8. BRIEFING SCHEDULE

Due to workload, Defendant's attorney requests that briefing commence later than 40 days after filing of this joint case management plan. Counsel for both parties have conferred and agreed upon the following proposed briefing schedule:

- A. **Plaintiff's Opening Brief:** Due May 8, 2009
- B. **Response Brief due:** June 8, 2009
- C. **Reply Brief due:** June 23, 2009

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiff's Statement:** The Plaintiff does not request oral argument.
- B. **Defendant's Statement:** The Defendant does not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

- 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 this 10th day of March, 2009

BY THE COURT:

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

APPROVED:

UNITED STATES ATTORNEY

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