

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02773-AP

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BRETT MYERS,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

Defendant,

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

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**1. 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).

**2. DATES OF FILING OF RELEVANT PLEADINGS**

- A. Date Complaint Was Filed: 12-22-08**
- B. Date Complaint Was Served on U.S. Attorney's Office: 02-10-09**
- C. Date Answer and Administrative Record Were Filed: 03-30-09**

**3. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

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

**4. STATEMENT REGARDING ADDITIONAL EVIDENCE**

Neither party intends to submit additional evidence.

**5. 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.

**6. OTHER MATTERS**

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

**7. BRIEFING SCHEDULE**

Because of workload and scheduling conflicts, the parties respectfully request briefing to commence later than 40 days after the filing of this Joint Case Management Plan. Counsel for both parties agrees to the following proposed briefing schedule:

- A. Plaintiff's Opening Brief Due: 5-27-09**
- B. Defendant's Response Brief Due: 6-29-09**
- C. Plaintiff's Reply Brief (If Any) Due: 7-14-09**

**8. STATEMENTS REGARDING ORAL ARGUMENT**

**A. Plaintiff's Statement:**  
Plaintiff does not request oral argument.

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

**9. 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.**

**10. 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.

**11. 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: April 17, 2009

BY THE COURT:

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

APPROVED:

For Plaintiff:

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