

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

Civil Action No. 09-cv-00529-AP

Rose M. Messina,

Plaintiff,

v.

MICHAEL 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, No. 12011
402 W. 12th Street
Pueblo, CO 81003
Telephone: (719) 543-8636
FAX: (719) 543-8403
E-mail: seckarlaw@mindspring.com

For Defendant:

David M. Gaouette
Acting United States Attorney

Kevin Thomas Traskos
Assistant U.S. Attorney
Kevin.Traskos@usdoj.gov

Allan Berger
Special Assistant U.S. Attorney
1961 Stout St., Suite 1001A
Denver, CO 80294
Telephone: (303) 844-2149
Fax: (303) 844-0770
allan.berger@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 USC 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: 3/12/2009.**
- B. Date Complaint Was Served on U.S. Attorney's Office: 4/3/09.**
- C. Date Answer and Administrative Record Were Filed: 6/16/09.**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: Although Plaintiff's counsel will thoroughly review the Record, the accuracy and completeness of the Administrative Record cannot be ascertained until after Plaintiff's final opening brief is finally drafted and filed.

Defendant states: To the best of his knowledge, the record is complete.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states: See paragraph four above.

Defendant states: None anticipated.

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

Plaintiff states: This case involves no unusual claims.

Defendant states: This case does not involve unusual claims or defenses.

7. OTHER MATTERS

Plaintiff states: The record appears to be complete, but a final position by Plaintiff cannot be determined until the final draft of his opening brief is filed.

Defendant states: To the best of his knowledge, there are no other matters.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: 8/17/09**
- B. Defendant's Response Brief Due: 9/16/09**
- C. Plaintiff's Reply Brief Due: 10/1/09**

9. STATEMENTS REGARDING ORAL ARGUMENT

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

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 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: July 8, 2009

BY THE COURT:

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

APPROVED:

s/ Michael W. Seckar
Pueblo, CO 81006 Michael W. Seckar, No.
12011
402 W. 12th Street
Pueblo, CO 81003
Telephone: (719) 543-8636
FAX: (719) 543-8403
E-mail: seckarlaw@mindspring.

David M. Gaouette
Acting United States Attorney

Kevin Thomas Traskos
Assistant U.S. Attorney
Kevin.Traskos@usdoj.gov

s/ Allan Berger
Allan Berger
Special Assistant U.S. Attorney
1961 Stout St., Suite 1001A
Denver, CO 80294
Telephone: (303) 844-2149
Fax: (303) 844-0770
allan.berger@ssa.gov

Attorneys for Defendant