

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00614-AP

RICHARD A. GEIST,

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:

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For Defendant:

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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 USC 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: 03/25/2009
- B. Date Complaint Was Served on U.S. Attorney's Office: 04/08/2009
- C. Date Answer and Administrative Record Were Filed: 06/08/2009

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: The record is not complete. As the Appeals Council states at page 1 of the administrative record, it considered additional evidence submitted by Plaintiff's counsel. On 02/02/2009, Plaintiff's counsel submitted approximately 26 pages of new evidence to the Appeals Council along with a statement of the significance of that evidence. That evidence is missing from the administrative record that Defendant filed on 06/08/2009.

Defendant states: The Appeals Council has been asked to supplement the administrative record with the documents referenced above by Plaintiff.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states: See response to # 4, above. Plaintiff requests that Defendant supplement the record with the missing evidence.

Defendant states: see above

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

Plaintiff states: This case involves no unusual claims.

Defendant states: This case involves no unusual claims.

7. OTHER MATTERS

Plaintiff states: None.

Defendant states: None.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: 08/10/2009
- B. Defendant's Response Brief Due: 09/10/2009
- C. Plaintiff's Reply Brief Due: 09/25/2009

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: June 29, 2009

BY THE COURT:

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

APPROVED:

<p><u>s/ Teresa H. Abbott</u> Teresa H. Abbott, Esq. 3515 S. Tamarac Drive, Suite 200 Denver, CO 80237 (303) 757-5000 (303) 689-9627 fax abbott.teresa@gmail.com</p> <p>Attorney for Plaintiff</p>	<p>David Gaouette Acting UNITED STATES ATTORNEY</p> <p>Kevin Thomas Traskos Deputy Chief, Civil Division District of Colorado</p> <p><u>s/ Anthony J. Navarro</u> Anthony J. Navarro Special Assistant U.S. Attorney 1961 Stout St., Suite 1001A Denver, CO 80294 Telephone: (303) 844-7278 Fax: (303) 844-0770 anthony.navarro@ssa.gov</p> <p>Attorneys for Defendant</p>
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