

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

Civil Action No. 09-cv-00716-AP

ROSEMARY A. KILINSKI,

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:

Gail C. Harriss
Attorney for Plaintiff
DAWES, HARRISS & BLOODSWORTH, P.C.
572 East Third Avenue
Durango, CO 81301
Phone: (970) 247-4411
Fax: (970) 247-1482
Gch@dawesandharriss.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: 3/31/2009.**
- B. Date Complaint Was Served on U.S. Attorney's Office: 4/9/2009**
- C. Date Answer and Administrative Record Were Filed: 6/4/2009.**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: To the best of her knowledge, the Record is incomplete. Page 164 of the Record is illegible. To the best of her knowledge, the remainder of the Record is complete.

Defendant states: To the best of his knowledge, the record is complete. However, defendant's counsel will consult with defendant to determine whether there is a more legible copy of page 164 of the transcript.

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: Plaintiff anticipates filing a Motion for Substitution of Parties as plaintiff has recently passed away. Plaintiff is waiting for a copy of the Death Certificate before filing the Motion.

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

8. BRIEFING SCHEDULE

- A. **Plaintiff's Opening Brief Due: 7/23/09**
- B. **Defendant's Response Brief Due: 8/24/09**
- C. **Plaintiff's Reply Brief Due: 9/8/2009**

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiff's Statement:** Oral Argument is requested if only to clarify any outstanding issues, and at the Court's behest.
- 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 24, 2009

BY THE COURT:

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

APPROVED:

<p><u>s/ Gail C. Harriss 6/23/09</u> Gail C. Harriss Attorney for Plaintiff DAWES, HARRISS & BLOODSWORTH, P.C. 572 East Third Avenue Durango, CO 81301 Phone: (970) 247-4411 Fax: (970) 247-1482 Gch@dawesandharriss.com</p> <p>Attorney for Plaintiff</p>	<p>David M. Gaouette ACTING UNITED STATES ATTORNEY</p> <p>Kevin Thomas Traskos Assistant U.S. Attorney kevin.traskos@usdoj.gov</p> <p><u>s/ Allan D. Berger 6/23/09</u> 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</p> <p>Attorneys for Defendant</p>
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