

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00770-AP

MICHAEL G. RODMAN,

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:

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For Defendant:

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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:** April 6, 2009
- B. Date Complaint was Served on U.S. Attorney's Office:** June 16, 2009
- C. Date Answer and Administrative Record Were Filed:** September 18, 2009

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

It appears the Administrative Record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff intends to submit the census code (census code 896: production workers, all others) for all of the occupations classified in the light work exertional category that the vocational expert claims that Plaintiff could do. Plaintiff will also be asking the court to take judicial notice of the documents cited in his complaint.

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

This case does not provide any unusual claims or defenses.

7. OTHER MATTERS

Plaintiff does not have any other matters to raise at this time. However, Plaintiff has filed a new application for social security benefits. He has not yet received a ruling on the new application.

8. PROPOSED BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief:** November 17, 2009
- B. Response Brief due:** December 17, 2009
- C. Reply Brief due:** January 11, 2010

The parties have agreed to extend the deadline for the reply brief past the traditional 15 days (which would have had the reply due on January 4, 2009) due to the intervening Christmas and New Year's holidays.

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement:** The Plaintiff does not request oral argument at this time.
- 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 30th day of September, 2009

BY THE COURT:

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

APPROVED:

/s Gordon W. Williams

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