

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01012-AP

EDWARD H. MULVEY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

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**JOINT CASE MANAGEMENT PLAN**

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**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 U.S.C. 405(g).

**3. DATES OF FILING OF RELEVANT PLEADINGS**

- A. Date Complaint Was Filed: May 1, 2009
- B. Date Complaint Was Served on U.S. Attorney's Office: May 13, 2009
- C. Date Answer and Administrative Record Were Filed: July 9, 2009

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

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

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

The parties will not submit additional evidence.

**6. 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.

**7. OTHER MATTERS**

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

**8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: September 8, 2009
- B. Defendant's Response Brief Due: October 8, 2009
- C. Plaintiff's Reply Brief (If Any) Due: October 23, 2009

**9. STATEMENTS REGARDING ORAL ARGUMENT**

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

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

**10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE**

*Indicate below the parties' consent choice.*

- A. ( X ) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.  
B. ( ) All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

**11. OTHER MATTERS**

Parties filing motions for extension of time or continuances must comply with D.C.Colo.LCivR 7.1(A) by conferring, or making reasonable, good faith efforts to confer, with opposing counsel or *pro se* party before filing the motion.

**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 29<sup>th</sup> day of July, 2009.

BY THE COURT:

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

APPROVED:

For Plaintiff:

**s/ Rick P. Sauer**  
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For Defendant:

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