

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: **09-cv-01282-JLK**

MATTHEW MESTAS,

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

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:** June 2, 2009.
- B. Date Complaint Was Served on U.S. Attorney's Office:** June 15, 2009.
- C. Date Answer and Administrative Record Were Filed:** August 14 & 18, 2009.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: Although counsel has undertaken a timely review of the record, the accuracy and completeness of the Administrative Record cannot be verified until after the Plaintiff's Opening brief is filed.

Defendant states: There are no issues with the accuracy or completeness of the Administrative Record.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states: See Plaintiff's statement in paragraph 4, 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 involves no unusual claims.

7. OTHER MATTERS

Plaintiff states: None.

Defendant states: None.

8. BRIEFING SCHEDULE

- A. **Plaintiffs Opening Brief Due:** October 13, 2009.
- B. **Defendant's Response Brief Due:** November 12, 2009.
- C. **Plaintiffs Reply Brief (If Any) Due:** November 27, 2009.

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiffs 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

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 3rd day of September, 2009.

BY THE COURT:

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

APPROVED:

<p><u>s/Frederick W. Newall</u> FREDERICK W. NEWALL 730 N. Weber, #101 Colorado Springs, CO 80903 (719) 633-5211 newallfrederick@qwestoffice.net</p> <p>Attorney for Plaintiff</p>	<p>DAVID M. GAOUCETTE United States Attorney</p> <p>KEVIN TRASKOS Assistant U.S. Attorney Deputy Chief, Civil Division United States Attorney's Office District of Colorado Kevin.Traskos@usdoj.gov</p> <p>By: <u>s/ Anthony J. Navarro</u> ANTHONY J. NAVARRO Special Assistant U.S. Attorney Office of General Counsel Social Security Administration 1961 Stout Street, Suite 1001A Denver, CO 80294 Telephone: (303) 844-7278 anthony.navarro@ssa.gov</p> <p>Attorneys for Defendant</p>
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