

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01537-AP

DON W. RUTLEDGE,

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:

Rick P. Sauer
700 Macon Ave.
Cañon City, CO 81212
719.275.7591
719.275.6165 (fax)
rps@bresnan.net

For Defendant:

Sandra Krider
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
1961 Stout Street, Suite 1001-A
Denver, CO 80294
303.844.0015
303.844.0770 (fax)
sandra.krider@ssa.gov

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:** June 30, 2009
- B. Date Complaint was Served on U.S. Attorney's Office:** August 14, 2009
- C. Date Answer and Administrative Record Were Filed:** October 13, 2009

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

It appears the Administrative Record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff does not intend to submit additional evidence at this time.

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. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief:** January 25, 2010

Plaintiff's counsel will be out of the office for the last week in November 2009 and all of December 2009. He therefore requests a briefing deadline outside the traditional 40 days. As he already has Social Security disability briefs due on January 11, 2010, and January 18, 2010, he requests a deadline of January 25, 2010 for the brief in this case. Defendant's counsel does not oppose this request.

- B. Response Brief due:** February 24, 2010
- C. Reply Brief due:** March 11, 2010

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement:** The Plaintiff does not request oral argument.
- 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. 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 October, 2009

BY THE COURT:

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

APPROVED:

/s Rick P. Sauer

Rick P. Sauer

700 Macon Ave.

Cañon City, CO 81212

719.275.7591

719.275.6165 (fax)

rps@bresnan.net

Attorney for Plaintiff

DAVID M. GAOUETTE

United States Attorney

KEVIN TRASKOS

Deputy Chief, Civil Division

United States Attorney's Office

District of Colorado

Kevin.Traskos@usdoj.gov

/s Sandra T. Krider

Sandra T. Krider

Special Assistant United States Attorney

1961 Stout Street, Suite 1001-A

Denver, CO 80294

303.844.0015

303.844.0770 (fax)

sandra.krider@ssa.gov

Attorneys for Defendant