

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

Civil Action No. 09-cv-01889-AP

MARIAH GRAGERT,

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:

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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 USC 405(g).

3. DATES OF FILING OF RELEVANT PLEADINGS

- A. Date Complaint Was Filed: 8/10/09.**
- B. Date Complaint Was Served on U.S. Attorney's Office: 8/27/09.**
- C. Date Answer and Administrative Record Were Filed: 11/2/09.**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: Although Plaintiff's counsel will thoroughly review the Record, the accuracy and completeness of the Administrative Record cannot be ascertained until after Plaintiff's final opening brief is finally drafted and filed.

Defendant states: To the best of his knowledge, the record is complete.

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: The record appears to be complete, but a final position by Plaintiff cannot be determined until the final draft of his opening brief is filed.

In the Complaint, Doc. #3, para. 4, Plaintiff states that the alleged onset date of disability is April 1, 2002. In Defendant's Answer, Doc. #12, para. 4, it clarifies that the alleged onset date is April 26, 2002. Upon receipt and review of the Administrative Record in this matter, Doc. #13, Plaintiff agrees with Defendant and wishes to amend the Complaint herein to reflect the correct onset date of April 26, 2002. Defendant states that they have no objection to amending the Complaint herein to reflect the correct onset date.

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

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: 1/4/2010**
- B. Defendant's Response Brief Due: 2/3/2010**
- C. Plaintiff's Reply Brief Due: 2/18/2010**

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. If oral argument is held, plaintiff requests that plaintiff's attorney be allowed to appear by phone.
- 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 this 23rd day of November, 2009.

BY THE COURT:

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

APPROVED:

<p><u>s/ Robert C. Dawes</u> Robert C. Dawes DAWES AND HARRISS, P.C. 572 East 3rd Avenue Durango, CO 81301 970-247-4411 E mail: rcd@dawesandharriss.com</p>	<p>DAVID M. GAOUILLE United States Attorney</p> <p>Kevin Thomas Traskos Deputy Chief, Civil Division kevin.traskos@usdoj.gov</p> <p><u>s/ Allan Berger</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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