

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

**Civil Action No. 09-cv-02147-AP**

**KIMBERLY ZIKMUND,**

**Plaintiff,**

**v.**

**MICHAEL ASTRUE, COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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**1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES**

For Plaintiff:

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For Defendant:

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United States Attorney for the District of Colorado

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Attorneys for Defendant

**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: 9/09/09.**
- B. Date Complaint Was Served on U.S. Attorney's Office: 9/10/09**
- C. Date Answer and Administrative Record Were Filed: 11/6/09.**

### **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.

**Defendant states:** Defendant does not have any other matters to raise at this time.

### **8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: 12/16/09**
- B. Defendant's Response Brief Due: 1/19/10**
- C. Plaintiff's Reply Brief Due: 2/3/10**

**9. STATEMENTS REGARDING ORAL ARGUMENT**

- A. Plaintiff's Statement:** Oral Argument is requested.
- B. Defendant's Statement:** Oral Argument is not requested.

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

- 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**

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: November 19, 2009

BY THE COURT:

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

APPROVED:

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| <p><u>s/Chris R. Noel</u><br/>CHRIS R. NOEL<br/>3000 Pearl Street, Suite 105<br/>Boulder, Colorado 80301-2431<br/>Telephone: (303) 449 6503<br/>FAX: 720 214 1836<br/>e mail: <a href="mailto:chrisnoel@noelaw.com">chrisnoel@noelaw.com</a><br/>Attorney for Plaintiff Kimberly Zikmund</p> | <p>UNITED STATES ATTORNEY<br/>Kevin Thomas Traskos<br/>Assistant U.S. Attorney<br/><a href="mailto:kevin.traskos@usdoj.gov">kevin.traskos@usdoj.gov</a></p> <p><u>s/Sandra T. Krider</u><br/>By:<br/>Special Assistant U.S. Attorney<br/>1961 Stout St., Suite 1001A<br/>Denver, Colorado 80294<br/>Telephone: (303) 844-0015<br/><a href="mailto:sandra.krider@ssa.gov">sandra.krider@ssa.gov</a></p> <p>Attorneys for Defendant</p> |
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