

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02370-AP

Raymond A. Waring

Plaintiff,

v.

Michael Astrue

Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL AND PRO SE PARTIES

For Plaintiff:

PATRICK C.H. SPENCER, II
Spencer & Spencer, P.C.
830 Tenderfoot Hill Road, Suite 320
Colorado Springs, CO 80906
719-632-4808
patrick@2spencers.com

For Defendant:

THOMAS H. KRAUS
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
1225 Seventeenth Street, Suite 700
Denver, Colorado 80202
(303) 454-0100
tom.kraus@ssa.gov

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

This is a Social Security appeal. The Court has jurisdiction pursuant to 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: October 5, 2009

B. Date Complaint Was Served on U.S. Attorney's Office: October 9, 2009

C. Date Answer and Administrative Record Were Filed: December 14, 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 do not anticipate submitting additional evidence at this time.

6. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

The parties, to the best of their knowledge, do not believe this 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: March 17, 2010

B. Defendant's Response Brief Due: April 16, 2010

C. Plaintiff's Reply Brief (If Any) Due: May 3, 2010

9. STATEMENTS REGARDING ORAL ARGUMENT

The parties do 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: January 25, 2010.

BY THE COURT:

s/John L. Kane

U.S. DISTRICT COURT JUDGE

APPROVED:

/s Patrick C.H. Spencer, II

Patrick C.H. Spencer, II
Spencer & Spencer, P.C.
830 Tenderfoot Hill Road, Suite 320
Colorado Springs, CO 80906
719-632-4808
patrick@2spencers.com

Attorney for Plaintiff

DAVID M. GAOUILLE
United States Attorney

KEVIN TRASKOS
Deputy Chief, Civil Division
United States Attorney's Office
District of Colorado
kevin.traskos@usdoj.gov

/s Thomas H. Kraus

Thomas H. Kraus
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
1225 Seventeenth Street, Suite 700
Denver, Colorado 80202
(303) 454-0100
tom.kraus@ssa.gov

Attorneys for Defendant