

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01207-AP

MITCHELL A. FRIES,  
Plaintiff,

vs.

MICHAEL J. 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**

For Plaintiff:

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For Defendant:

JOHN F. WALSH  
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KEVIN TRASKOS  
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ANTHONY J. NAVARRO  
Special Assistant United States Attorney  
Office of the General Counsel, Social Security Administration  
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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:** May 25, 2010.
- B. **Date Complaint Was Served on U.S. Attorney's Office:** September 21, 2010.
- C. **Date Answer Was Filed:** November 22, 2010.

**4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

The record appears to be adequate.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

The parties do not currently intend to submit additional evidence.

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

This case does not appear to present unusual claims or defenses.

**7. OTHER MATTERS**

None at this time

**8. BRIEFING SCHEDULE**

- A. **Plaintiff's Opening Brief Due:** January 21, 2011.
- B. **Defendant's Response Brief Due:** February 22, 2011.
- C. **Plaintiff's Reply Brief Due (if any):** March 9, 2011.

**9. STATEMENTS REGARDING ORAL ARGUMENT**

**A. Plaintiff's 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**

**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( 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 13th day of December, 2010.

BY THE COURT:

s/John L. Kane  
United States District Court Judge

APPROVED:

For Plaintiff:

s/ Nicholas D. Purifoy

Nicholas D. Purifoy  
Attorney for Plaintiff

For Defendant:

s/ Anthony J. Navarro

Anthony J. Navarro  
Special Assistant U.S. Attorney  
Attorney for Defendant