

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01262-AP

MAX MONTOYA,

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:

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For Defendant:

DAVID M. GAOUETTE

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KEVIN TRASKOS

Deputy Chief, Civil Division

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District of Colorado

THOMAS H. KRAUS

Special Assistant United States Attorney

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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:** 6/1/10
- B. Date Complaint Was Served on U.S. Attorney's Office:** 6/7/10
- C. Date Answer and Administrative Record Were Filed:** 8/6/10

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

There are no issues with the accuracy or completeness of the administrative record.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

- A. Plaintiff's Statement:** Plaintiff will submit new evidence to the Court with his Opening Brief.
- B. Defendant's Statement:** None anticipated.

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

This case does not involve unusually complicated or out-of-the-ordinary claims.

7. OTHER MATTERS

None.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due:** 10/8/10
- B. Defendant's Response Brief Due:** 11/8/10
- C. Plaintiff's Reply Brief (If Any) Due:** 11/23/10

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement:** Oral Argument is not requested.
- 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(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 24th day of August, 2010.

BY THE COURT:

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

APPROVED:

s/ Kristina J. Vasold
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