

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No.: **10-cv-1760-AP**

**NAOMI MYERS,** 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: Frederick W. Newall, Esq.  
730 N. Weber, #101  
Colorado Springs, Colorado 80903  
(719) 633.5211  
(719) 635.6503 (facsimile)  
[newallfrederickw@qwest.net](mailto:newallfrederickw@qwest.net)

For Defendant: JOHN F. WALSH  
U.S. Attorney

KEVIN TRASKOS  
Chief, Civil Division  
United States Attorney's Office  
District of Colorado  
303.454.0184  
[Keven.traskos@usdoj.gov](mailto:Keven.traskos@usdoj.gov)

DEBRA J. MEACHUM  
Special Assistant United States Attorney  
Office of the General Counsel  
Social Security Administration  
1001 Seventeenth Street  
Denver, Colorado 80202  
(303) 844.1570  
[debra.meachum@ssa.gov](mailto:debra.meachum@ssa.gov)

**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:** July 23, 2010
- B. **Date Complaint Was Served on U.S. Attorney's Office:** August 16, 2010
- C. **Date Answer and Administrative Record Were Filed:** October 14, 2010

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

**Plaintiff states:** To the best of his knowledge, the record is complete. However, the Plaintiff reserves the right to supplement the record if necessary at the time of the Opening Brief.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

**Plaintiff states:** There is no additional evidence.

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

**Plaintiff states:** To the best of his knowledge, this case raises no unusual claims or defenses.

**7. OTHER MATTERS**

**Plaintiff states:** None.

**8. BRIEFING SCHEDULE**

Plaintiff's attorney, because of workload, holidays, and vacation plans, requests that briefing commence later than 40 days after the filing of this joint case management plan. Counsel for both parties conferred and agreed upon the following proposed briefing schedule:

- A. **Plaintiff's Opening Brief Due:** December 16, 2010
- B. **Defendant's Response Brief Due:** January 18, 2011
- C. **Plaintiff's Reply Brief (If Any) Due:** February 2, 2011

**9. STATEMENTS REGARDING ORAL ARGUMENT**

**Plaintiff's Statement:** Plaintiff does NOT request oral argument.

**Defendant's Statement:** Defendant does NOT request oral argument.

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

*Indicate below the parties' consent choice.*

- 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 5<sup>th</sup> day of November, 2010.

BY THE COURT:

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

APPROVED:

<p>FREDERICK W. NEWALL</p> <p><u>s/Frederick W. Newall</u> 730 N. Weber, #101 Colorado Springs, CO 80903 (719) 633-5211 E-mail: <a href="mailto:newallfrederick@qwest.net">newallfrederick@qwest.net</a> Attorney for Plaintiff</p>	<p>JOHN F. WALSH United States Attorney</p> <p>KEVIN TRASKOS Chief, Civil Division United States Attorney's Office District of Colorado <a href="mailto:Kevin.Traskos@usdoj.gov">Kevin.Traskos@usdoj.gov</a></p> <p>By: <u>s/Debra J. Meachum</u> Debra J. Meachum Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-1570 <a href="mailto:Debra.meachum@ssa.gov">Debra.meachum@ssa.gov</a> Attorneys for Defendant.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------