

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **10-cv-01765-AP**

PHILLIP D. BAROS, JR.,

Plaintiff,

v.

MICHAEL J.ASTRUE, Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL

For Plaintiff:

Larry R. Daves
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For Defendant:

John F. Walsh
United States Attorney

Kevin T. Traskos
Civil Chief
United States Attorney's Office
District of Colorado

Stephanie Lynn F. Kiley
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: July 26, 2010

B. Date Complaint Was Served on U.S. Attorney's Office: July 28, 2010

C. Date Answer and Administrative Record Were Filed: September 29, 2010

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states: The administrative record is not complete. The record does not include the prior SSI filings of plaintiff.

Defendant states: The agency has declined to supplement the record with extra-record evidence that was not exhibited or considered by the ALJ and the hearing decision does not address evidence from the prior SSI claims.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states: He filed three prior claims but the record does not include these files.

Defendant states: The prior claims are not relevant to the issue before this Court.

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

Plaintiff states: This case does raise the issue of whether defendant maintains obstacles and /or policies which operated to deny plaintiff equal protection and/or due process on account of his mental retardation.

7. OTHER MATTERS

The parties are not aware of any additional matters which should be brought to the attention of the Court.

8. BRIEFING SCHEDULE

- A. Plaintiff’s Opening Brief Due: December 6, 2010
- B. Defendant’s Response Brief Due: January 5, 2011
- C. Plaintiff’s Reply Brief Due: January 20, 2011

9. STATEMENT 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 COURT

- 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 18th day of October, 2010.

BY THE COURT:

s/John L. Kane
UNITED STATES DISTRICT JUDGE

APPROVED:

John F. Walsh
UNITED STATES ATTORNEY

Kevin T. Traskos
Acting Civil Chief
United States Attorney's Office
District of Colorado

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