

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-01811-AP

LARRY RUSSELL,

Plaintiff,

v.

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:**

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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: 7/30/10.
- B. Date Complaint Was Served on U.S. Attorney's Office: 8/16/10.
- C. Date Answer and Administrative Record Were Filed: 10/15/10.

**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**

Neither party intends to submit additional evidence.

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

The parties, to the best of their knowledge, do not believe the 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: 12/22/10
- B. Defendant's Response Brief Due: 1/24/11
- C. Plaintiff's Reply Brief (If Any) Due: 2/4/11

**9. STATEMENTS REGARDING ORAL ARGUMENT**

- A. Plaintiff's Statement: Plaintiff requests oral argument. Oral argument would provide a useful opportunity to analyze an important legal issue in this case, namely, the proper standard for evaluating a mental illness at Step 2 of the sequential evaluation analysis.
- B. Defendant's Statement: Defendant does 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. (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 4<sup>th</sup> day of November, 2010.

BY THE COURT:

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

APPROVED:

**For Plaintiff:**

**s/Thomas A. Feldman**  
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**For Defendant:**

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