

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. **10-cv-02393-AP**

MARLENE GEMMELL,

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:

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

This is an appeal of a Social Security benefits application. The Court has jurisdiction pursuant to 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: **October 1, 2010**
- B. Date Complaint was Served on U.S. Attorney's Office: **October 5, 2010**
- C. Date Answer and Administrative Record Were Filed: **December 6, 2010**

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 this case raises any unusual claims or defenses.

7. OTHER MATTERS

The parties have no other matters to bring to the attention of the Court.

8. BRIEFING SCHEDULE

Plaintiff's attorney, because of workload and international travel 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: **February 23, 2011**
- B. Response Brief due: **March 25, 2011**
- C. Reply Brief due: **April 11, 2011**

Court's note: *Given the overly prolonged briefing schedule set forth herein, the court will not consider any requests for extensions absent extreme circumstances.*

9. STATEMENTS REGARDING ORAL ARGUMENT

A. Plaintiff's Statement: **Plaintiff requests oral argument. Oral argument would provide a useful opportunity to address the fact intensive issues in this case about the Plaintiff's mental illness.**

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 4th day of January, 2011

BY THE COURT:

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

APPROVED:

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