

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02612-AP

PHILLIP VIGIL,
Plaintiff,

vs.

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:

Michael W. Seckar, Esq.
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For Defendant:

JOHN F. WALSH
United States Attorney

KEVIN T. TRASKOS
Assistant United States Attorney

WILLIAM G. PHARO
Assistant United States Attorney

/s/ Stephanie Lynn F. Kiley
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
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Denver, CO 80202
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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: 10-26-10**
- B. Date Complaint Was Served on U.S. Attorney's Office: 12-17-10**
- C. Date Answer and Administrative Record Were Filed: 02-15-11**

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

Because of workload and scheduling conflicts, Plaintiff respectfully requests briefing to commence later than 40 days after the filing of this Joint Case Management Plan, as follows:

- A. Plaintiff's Opening Brief Due: April 20, 2011.**
- B. Defendant's Response Brief Due: May 20, 2011.**
- C. Plaintiff's Reply Brief (If Any) Due: June 4, 2011.**

Counsel for both parties conferred and stipulated to this briefing schedule.

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement:
Plaintiff does not request oral argument.
- B. 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. 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 7th day of March, 2011.

BY THE COURT:

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

APPROVED:

For Plaintiff:

Michael W. Seckar

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