

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

Civil Action No. 11-cv-00118-AP

LARRY LEE MONTOYA,

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
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For Defendant:

JOHN F. WALSH
United States Attorney
District of Colorado

WILLIAM G. PHARO
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Social Security Administration
1001 Seventeenth Street
Denver, CO 80202
Telephone: (303) 844-1949

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:** January 18, 2011.
- B. **Date Complaint Was Served on U.S. Attorney's Office:** February 23, 2011.
- C. **Date Answer and Administrative Record Were Filed:** April 25, 2011.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

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

Defendant states: To the best of his knowledge, the record is complete. Defendant reserves the right to respond in the event that Plaintiff seeks to supplement the record at a later date.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states: None anticipated.

Defendant states: None anticipated.

6. STATEMENT REGARDING UNUSUAL CLAIMS OR DEFENSES

The parties, to the best of their knowledge, do not believe this case raises unusual claims or defenses.

7. OTHER MATTERS

None.

8. BRIEFING SCHEDULE

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

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiffs 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

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 6th day of May, 2011.

BY THE COURT:

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

APPROVED:

s/Frederick W. Newall
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