

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

Civil Action No. 11-cv-00378-AP

LAVINA A. PHELAN,

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:

Patrick C.H. Spencer, II
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830 Tenderfoot Hill Road, Suite 320
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For Defendant:

JOHN F. WALSH
United States Attorney

KEVIN TRASKOS
Chief, Civil Division
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WILLIAM G. PHARO
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/s Robert L. Van Saggi

Robert L. Van Saggi
Special Assistant United States Attorney
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Denver, Colorado 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: 2/14/11

B. Date Complaint Was Served on U.S. Attorney's Office: 2/18/11

C. Date Answer and Administrative Record Were Filed: 4/8/11

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of her knowledge, Plaintiff states that the record is complete and accurate. To the best of his knowledge, Defendant states that the record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The parties do not anticipate submitting additional evidence.

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

The parties state that this case does not raise unusual claims or defenses.

7. OTHER MATTERS

The parties state that there are no other matters.

8. BRIEFING SCHEDULE

The parties agreed to the following schedule:

A. Plaintiffs Opening Brief Due: 6/14/11

B. Defendant's Response Brief Due: 7/14/11

C. Plaintiffs Reply Brief (If Any) Due: 7/29/11

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 19th day of April, 2011.

BY THE COURT:

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

APPROVED:

For Plaintiff:

s/ Patrick C.H. Spencer, II
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