

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

JENNIFER A. McGOWAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 11-cv-1145-AP
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant.)	

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

<u>For Plaintiff:</u>	Frederick W. Newall, Esq. 730 N. Weber, #101 Colorado Springs, Colorado 80903 (719) 633-5211 (719) 635-6503 (facsimile) newallfrederickw@qwestoffice.net
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<u>For Defendant:</u>	William G. Pharo Assistant United States Attorney <i>Mailing Address:</i> 1225 Seventeenth St., Suite 700 Denver, Colorado 80202 (303) 454-0100 <i>Street Address:</i> 1225 Seventeenth Street, Suite 700 Denver, Colorado 80202 (303) 454-0100 (303) 454-0404 (facsimile)
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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:** April 29, 2011
- B. **Date Complaint Was Served on U.S. Attorney's Office:** May 18, 2011.
- C. **Date Answer and Administrative Record Were Filed:** July 15, 2011.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

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

Defendant states: The Administrative Record appears to be complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The parties state that there is no additional evidence.

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

The parties state that to the best of their knowledge, this case raises no unusual claims or defenses.

7. OTHER MATTERS

None.

8. BRIEFING SCHEDULE

- A. **Plaintiff's Opening Brief Due:** October 20, 2011.
- B. **Defendant's Response Brief Due:** November 21, 2011.
- C. **Plaintiff's Reply Brief (If Any) Due:** December 5, 2011.

9. STATEMENTS REGARDING ORAL ARGUMENT

Plaintiff's Statement: Plaintiff does NOT request oral argument.

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. (XX) 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.

WHILE THE JOINT CASE MANAGEMENT PLAN WAS DUE ON AUGUST 4, 2011, IT WAS JUST DISCOVERED ON SEPTEMBER 16, 2011 THAT IT WAS NOT FILED. OPENING BRIEFS ARE DUE AS FOLLOWS: ADAMSON V. ASTRUE, CASE NO. 11-cv-1267-JLK DUE OCT 4, 2011, AND OPENING BRIEF IN LOVATO V. ASTRUE, CASE NO. 11-cv-0354 DUE OCT6, 2011. SUCH THAT THE OCT 20, 2011, OPENING BRIEF IS REASONABLY THE EARLIEST TIME FOR FILING IT. FURTHER, DEFENDANT'S COUNSEL INDICATED THAT HIS NOVEMBER BRIEFING SCHEDULE WILL PROBABLY REQUIRE A CONTINUANCE.

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 26th day of September, 2011.

BY THE COURT:

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

APPROVED:

s/Frederick W. Newall
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