

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:11-cv-02202-AP

GILBERT E. GARCIA

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

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

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|---|------------------|
| A. Date Complaint Was Filed: | August 23, 2011 |
| B. Date Complaint Was Served on U.S. Attorney's Office: | August 25, 2011 |
| C. Date Answer and Administrative Record Were Filed: | October 24, 2011 |

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Counsel for Plaintiff states that the record is complete and accurate.

Counsel for 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

Counsel for Plaintiff states: This case does not involve unusual claims or defenses.

Counsel for Defendant states: This case does not involve unusual claims or defenses.

7. OTHER MATTERS

Plaintiff's counsel will be out of the state on a long planned family vacation on December 27, 2011. The vacation will extend until January 8, 2012. For that reason plaintiff's counsel requests that the presumptive dates for filing the briefs be extended. Plaintiff's counsel requests a briefing schedule in which his Opening Brief is due on January 23, 2012, Defendant's Response Brief is due on February 22, 2012 and Plaintiff's Reply Brief is due on March 8, 2012. Plaintiff's counsel has informed plaintiff, Mr. Gilbert E. Garcia, regarding the requested extension of the presumptive filing dates. Mr. Garcia indicated he has no objection to the Court's issuing an Order extending the presumptive dates.

8. BRIEFING SCHEDULE

Counsel for both parties request the following proposed briefing schedule:

- | | |
|---|-------------------|
| A. Plaintiffs Opening Brief Due: | January 23, 2012 |
| B. Defendant's Response Brief Due: | February 22, 2012 |
| C. Plaintiffs Reply Brief (If Any) Due: | March 08, 2012 |

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiffs Statement:** Plaintiff does request an 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 16th day of November, 2011:

BY THE COURT:

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

APPROVED:

<p><u>/s/ Francis K. Culkin</u> Francis K. Culkin 3801 East Florida Avenue, Suite 400 Denver, Colorado 80210 Phone: 303-830-1110 Fax: 303-863-9221 fculkinesq@aol.com Attorney for Plaintiff</p>	<p>JAMES F. WALSH United States Attorney</p> <p>KEVIN TRASKOS Acting Chief, Civil Division United States Attorney’s Office District of Colorado</p> <p>By: <u>s/ Stephanie F. Kiley</u> Stephanie F. Kiley Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-0815 Stephanie.Kiley@ssa.gov Attorneys for Defendant.</p>
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