

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02322-AP

DANIEL O. ALVARAN,

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
Attorney for Plaintiff
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For Defendant:

John F. Walsh
United States Attorney

Kevin T. Traskos
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Michael Howard
Special Assistant United States Attorney
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Social Security Administration
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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: September 2, 2011

B. Date Complaint was served on U.S. Attorney's Office: September 16, 2011

C. Date Answer and Administrative Record were filed: November 14, 2011

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

The parties do not intend to submit additional evidence.

6. STATEMENT REGARDING WHETHER THIS CASES 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. PROPOSED BRIEFING SCHEDULE

The parties respectfully request the following briefing schedule. Plaintiff's attorney has several deadlines including hearings and a Tenth Circuit appellate brief, which would greatly hinder his ability to prepare the opening brief within 40 days of the filing of this Joint Case Management Plan.

A. Plaintiff's opening brief due: **January 30, 2012**

B. Defendant's response brief due: **February 29, 2012**

C. Plaintiff's reply brief (if any) due: **March 15, 2012**

9. STATEMENTS REGARDING ORAL ARGUMENT

The parties do not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

The parties consent 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.L.CivR. 7.1(C) BY SUBMITTING PROOF THAT A COPY OF THE MOTION HAS BEEN SERVED UPON 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 December, 2011.

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

APPROVED:

/s/ Patrick C.H. Spencer, II
Patrick C.H. Spencer, II
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/s/ Michael S. Howard

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2011, I electronically filed the foregoing “Joint Case Management Plan for Social Security Cases” with the with the Clerk of Court using the CM/ECMF system which will send notification of such filing to the following e-mail address(es):

Patrick@2spencers.com
usa-co-civil_ecf@usdoj.gov

/s/ Michael S. Howard
Office of the General Counsel
Social Security Administration