

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

Civil Action No. 12-cv-00744-AP

JAMESON M. GILLESPIE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

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Joint Case Management Plan

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**1. APPEARANCES OF COUNSEL**

For Plaintiff:

Henry J. Feldman  
2001 York St  
Denver, CO 80205  
(303) 321-9089  
hfeldman@juno.com

For Defendant:

Daniel E. Burrows  
Special Assistant U.S. Attorney  
Office of the General Counsel  
Social Security Administration  
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**2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER  
JURISDICTION**

This Court has jurisdiction based on Social Security Act §§ 205(g), 1631(c)(3), 42 U.S.C. §§ 405(g), 1383(c)(3) (2006).

**3. DATES OF FILING RELEVANT PLEADINGS**

- A. Date Complaint Was Filed: March 24, 2012
- B. Date Complaint Was Served on U.S. Attorney's Office: March 29, 2012
- C. Date Answer and Administrative Record Were Filed: May 29, 2012

**4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

To the best of their knowledge, the parties believe the administrative record is complete and accurate.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

Neither party intends to submit additional evidence.

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

The parties do not believe this case raises any unusual claims or defenses.

**7. OTHER MATTERS**

This case is *not* on appeal from a decision issued on remand. The parties have no other matters to bring to the attention of the Court.

**8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: July 23, 2012
- B. Defendant's Response Brief Due: August 22, 2012
- C. Plaintiff's Reply Brief (If Any) Due: September 6, 2012

**9. STATEMENTS REGARDING ORAL ARGUMENT**

A. Plaintiff's Statement: Plaintiff requests oral argument because he believes it would be helpful to clarify the issues presented in this case.

B. Defendant's Statement: Defendant requests oral argument. Defendant anticipates that Plaintiff will make an argument directly challenging the vocational expert's testimony in this case. While this is not a thoroughly unique argument, it is sufficiently outside the course of usual litigation under the Social Security Act that the Commissioner believes oral argument would be helpful for illuminating and clarifying the parties' positions.

**10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE**

The parties do not consent to the exercise of jurisdiction by a magistrate judge.

**11. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN**

Parties filing motions for extensions of time or continuances must comply with D.C.COLO.LCivR 7.1(E) 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.

The parties agree that the joint case management plan may be altered or amended only upon a showing of *good cause*.

DATED this 20<sup>th</sup> day of June, 2012

BY THE COURT:

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

APPROVED:

JOHN F. WALSH  
United States Attorney

WILLIAM G. PHARO  
Assistant United States Attorney

s/ Daniel E. Burrows FOR  
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(SIGNED PER ELECTRONIC  
AUTHORIZATION)

s/ Daniel E. Burrows  
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Attorneys for Defendant

## CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2012, I electronically filed the foregoing Joint Case Management Plan with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Henry J. Feldman  
hfeldman@juno.com

William George Pharo  
william.pharo@usdoj.gov

*s/ Daniel E. Burrows* \_\_\_\_\_  
Office of the General Counsel  
Social Security Administration