

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

Civil Action No. 12-cv-00786-AP

ARVALEE GERARD BECKER,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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**1. APPEARANCES OF COUNSEL AND PRO SE PARTIES**

For Plaintiff:

Frederick W. Newall  
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For Defendant:

JOHN F. WALSH  
United States Attorney

WILLIAM G. PHARO  
Assistant United States Attorney  
United States Attorney's Office  
District of Colorado  
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THAYNE WARNER  
Special Assistant United States Attorney  
Office of the General Counsel  
Social Security Administration  
1001 Seventeenth Street  
Denver, CO 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:** March 28, 2012
- B. **Date Complaint Was Served on U.S. Attorney's Office:** March 30, 2012
- C. **Date Answer and Administrative Record Were Filed:** May 29, 2012

**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. However, the Plaintiff reserves the right to supplement the record if necessary at the time of the Opening Brief.

**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, to the best of their knowledge, do not believe this case raises unusual claims or defenses.

**7. OTHER MATTERS**

There are no other matters anticipated.

**8. BRIEFING SCHEDULE**

Counsel for Plaintiff requests two additional days to file his opening brief, which is reflected in the proposed schedule, below. Counsel for Defendant does not object to that request.

- A. **Plaintiff's Opening Brief Due:** September 6, 2012
- B. **Defendant's Response Brief Due:** October 8, 2012
- C. **Plaintiff's Reply Brief (If Any) Due:** October 23, 2012

**9. STATEMENTS REGARDING ORAL ARGUMENT**

- A. **Plaintiff's 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 27<sup>th</sup> day of July, 2012.

BY THE COURT:

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

APPROVED:

<p><u>/s/ Frederick W. Newell</u> 730 N. Weber, #101 Colorado Springs, CO 80903 Telephone (719) 633-5211 E-mail: fnewall@qwestoffice.net Attorney for Plaintiff</p>	<p>JOHN F. WALSH United States Attorney WILLIAM G. PHARO Assistant United States Attorney United States Attorney's Office District of Colorado William.Pharo@usdoj.gov</p> <p>By: <u>/s/ M. Thayne Warner</u> M. Thayne Warner Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-7237 thayne.warner@ssa.gov Attorneys for Defendant</p>
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