

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01137-AP

GARY SOZA,

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

A. Date Complaint Was Filed: May 1, 2012

B. Date Complaint Was Served on U.S. Attorney's Office: May 14, 2012

C. Date Answer and Administrative Record Were Filed: July 12, 2012

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Defendant, to the best of his knowledge, states that the administrative record is complete and accurate. Plaintiff asserts that the Administrative Record is missing counsel's letter to the Administrative Law Judge dated September 23, 2008, amending the onset of disability and requesting an on the record favorable decision.

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 both parties agree to the following proposed briefing schedule:

- A. Plaintiffs Opening Brief Due:** September 14, 2012¹
- B. Defendant's Response Brief Due:** October 15, 2012
- C. Plaintiffs Reply Brief (If Any) Due:** October 30, 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.

¹ Plaintiff's counsel has four social security hearings scheduled in Grand Junction, a four-hour drive from her office in Durango, on September 10, 2012. Accordingly, the due date of Plaintiff's brief is set for September 14, rather than September 10, which would be 40 days after the date this Joint Case Management Plan is due.

DATED this 1st day of August, 2012.

BY THE COURT:

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

APPROVED:

<p><u>s/ Gail C. Harriss</u> GAIL C. HARRIS, LLC 450 S. Camino del Rio, Suite 201 Durango, CO 81301 Telephone (970) 247-4411 Facsimile (970) 247-1482 email: gharriss@harrisslaw.com 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/David Blower</u> David Blower Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-1571 Facsimile: (303) 844-0770 david.blower@ssa.gov Attorneys for Defendant.</p>
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