

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

Civil Action No. 12-cv-01402-AP

ROBERT HARVEY LUTGENS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

Joint Case Management Plan

1. APPEARANCES OF COUNSEL

For Plaintiff:

Michael W. Seckar
402 W 12th St
Pueblo, CO 81003
(719) 543-8638
seckarlaw@mindspring.com

For Defendant:

Daniel E. Burrows
Special Assistant U.S. Attorney
Office of the General Counsel
Social Security Administration
1001 17th St
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(303) 844-7356
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**2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER
JURISDICTION**

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

3. DATES OF FILING RELEVANT PLEADINGS

- A. Date Complaint Was Filed: May 30, 2012
- B. Date Complaint Was Served on U.S. Attorney's Office: July 6, 2012
- C. Date Answer and Administrative Record Were Filed: September 4, 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: October 29, 2012
- B. Defendant's Response Brief Due: December 12, 2012
- C. Plaintiff's Reply Brief (If Any) Due: December 27, 2012

These dates are adjusted from the ordinary timetable because Defendant's attorney and his wife are expecting a baby in late October and he expects to be out of the office on paternity leave for several weeks.

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

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 6.1(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 20th day of September, 2012

BY THE COURT:

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

APPROVED:

s/ Daniel E. Burrows FOR
MICHAEL W. SECKAR
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Attorney for Plaintiff

(SIGNED PER ELECTRONIC
AUTHORIZATION)

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s/ Daniel E. Burrows
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 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:

Michael W. Seckar
seckarlaw@mindspring.com

William George Pharo
william.pharo@usdoj.gov

s/ Daniel E. Burrows _____
Office of the General Counsel
Social Security Administration