

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-1479-AP

NOEL KING,

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:

Frederick W. Newall #10269, Esq.
730 N. Weber, #101
Colorado Springs, CO 80903
Telephone (719) 633-5211
E-mail: fnewall@qwestoffice.net

For Defendant:

JOHN F. WALSH
United States Attorney

J.B. GARCÍA
Assistant United States Attorney
District of Colorado

STEPHANIE LYNN F. KILEY
Special Assistant United States Attorney
Office of the General Counsel,
Social Security Administration
1001 Seventeenth Street
Denver, CO 80202
Telephone: (303) 844-0815
Stephanie.Kiley@ssa.gov

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:** June 6, 2012
- B. **Date Complaint Was Served on U.S. Attorney's Office:** July 25, 2012
- C. **Date Answer and Administrative Record Were Filed:** September 24, 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.

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 request the following proposed briefing schedule, which is outside the standard forty days due to Defendant's workload during December 2012:

- A. **Plaintiffs Opening Brief Due:** December 7, 2012
- B. **Defendant's Response Brief Due:** January 8, 2013
- C. **Plaintiffs Reply Brief (If Any) Due:** January 22, 2013

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. **Plaintiffs 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 23rd day of October, 2012

BY THE COURT:

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

APPROVED:

<p>_____ Frederick Newall 730 N. Weber, #101 Colorado Springs, CO 80903 (719) 633-5211 E-mail: fnewall@qwestoffice.net</p> <p>Attorney for Plaintiff</p>	<p>JOHN F. WALSH United States Attorney</p> <p>J.B. GARCÍA Assistant U.S. Attorney District of Colorado</p> <p>By: <u>s/Stephanie F. Kiley</u> Stephanie F. Kiley Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-0815 Stephanie.Fishkin.Kiley@ssa.gov Attorneys for Defendant.</p>
---	---