

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-1722-AP

MIKE Q. CROSS,

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: July 3, 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

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

Parties agree to the following proposed briefing schedule:

- A. Plaintiffs Opening Brief Due:** November 16, 2012¹
- B. Defendant's Response Brief Due:** December 17, 2012
- C. Plaintiffs Reply Brief (If Any) Due:** January 2, 2013

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiffs Statement:** Plaintiff requests 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 Due to press of other business, Plaintiff's counsel has requested that his brief be due November 16, 2012.

DATED this 21st day of September, 2012.

BY THE COURT:

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

APPROVED:

<p><u>s/ Jon Nicholls</u> Jon S. Nicholls 1850 Race Street Denver, Colorado 80206 Telephone: (303) 329-9700 Fax (303) 329-6950 jon.nicholls@nichollslaw.com Attorney for Plaintiff</p>	<p>JOHN F. WALSH United States Attorney J. BENEDICT GARCÍA Assistant United States Attorney United States Attorney's Office District of Colorado J.B.Garcia@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 david.blower@ssa.gov Attorneys for Defendant.</p>
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