

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01741-AP

DANIEL A. SANCHEZ, III, and  
VIVIAN ROBLES,

Plaintiffs,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

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**DEFENDANT'S CASE MANAGEMENT PLAN**

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Below-signed counsel for the Defendant Commissioner of Social Security has attempted to confer via email and telephone with counsel for Plaintiff regarding a joint case management plan. As of the time of this filing, counsel has been unable to reach Plaintiff's counsel. Accordingly, the document that follows is Defendant's Proposed Case Management Plan.

**1. APPEARANCES OF COUNSEL**

For Plaintiff:

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For Defendant:

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Special Assistant U.S. Attorney  
Office of the General Counsel  
Social Security Administration  
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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: July 5, 2012
- B. Date Complaint Was Served on the U.S. Attorney’s Office: July 12, 2012
- C. Date Answer Was Filed: September 10, 2012
- D. Date Administrative Record Was Filed: September 13, 2012

**4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

To the best of his knowledge, Defendant believes the administrative record is complete and accurate.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

Defendant does not intend to submit additional evidence.

**6. STATEMENT REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES**

Defendant does not believe this case raises any unusual claims or defenses.

**7. OTHER MATTERS**

This case is *not* an appeal from a decision issued on remand. Defendant has no other matters to bring to the attention of the Court.

**8. BRIEFING SCHEDULE**

A. Plaintiff's Opening Brief Due: November 5, 2012

B. Defendant's Response Brief Due: December 5, 2012

C. Plaintiff's Reply Brief (If Any) Due: December 20, 2012

**9. STATEMENTS REGARDING ORAL ARGUMENT**

A. Plaintiff's Statement:

B. Defendant's Statement: Defendant does not request oral argument.

**10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE**

Defendant does 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 joint case management plan may be altered or amended only upon a showing of *good cause*.

DATED this 2<sup>nd</sup> day of October, 2012.

BY THE COURT:

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

APPROVED:

*The court notes that counsel for plaintiffs failed to participate in the preparation of this plan. His signature indicating approval of the plan on behalf of plaintiffs, therefore, is not attached.*

JOHN F. WALSH  
United States Attorney

J. BENEDICT GARCÍA  
Assistant United States Attorney

/s/ Meghan Frei Berglind  
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