

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-01783-AP

RUBEN JESSIE HERNANDEZ,
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:

Michael W. Seckar, Esq.
402 W. 12th Street
Pueblo, Colorado 81003
719-543-8636
seckarlaw@mindspring.com

For Defendant:

John F. Walsh
United States Attorney

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

DAVID BLOWER
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
1001 Seventeenth Street, 6th Floor
Denver, Colorado 80202
(303) 844-1571
David.blower@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: 7/10/12.
- B. Date Complaint Was Served on U.S. Attorney's Office: 9/17/12.
- C. Date Answer and Administrative Record Were Filed: 11/19/12.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of their knowledge, the parties state that 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

To the best of their knowledge, the parties do not believe the case raises unusual claims or defenses.

7. OTHER MATTERS

The parties have no other matters to bring to the attention of the court.

8. BRIEFING SCHEDULE

The parties respectfully request the following briefing schedule, which is outside the standard 40 days due to Plaintiff's counsel's workload in December 2012 and January 2013:

- A. Plaintiff's Opening Brief Due: 2/5/13.
- B. Defendant's Response Brief Due: 3/7/13.
- C. Plaintiff's Reply Brief (If Any) Due: 3/22/13.

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

- A. () All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.
- B. (X) All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

11. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

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.

The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.

DATED this 12th day of December, 2012.

BY THE COURT:

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

APPROVED:

For Plaintiff:

s/Michael W. Seckar

Michael W. Seckar, Esq.

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For Defendant:

JOHN F. WALSH

United States Attorney

J.B. GARCIA

Assistant United States Attorney

District of Colorado

s/David Blower

By: David Blower

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