

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

Civil Action No. 12-cv-01889-AP

JANET L. PARKER,

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:

JANET L. PARKER
Pro Se Plaintiff
1914 E. 96th Circle
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For Defendant:

JOHN F. WALSH
United States Attorney

J. BENEDICT GARCÍA
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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: 07/20/12
- B. Date Complaint Was Served on U.S. Attorney's Office: 10/30/12
- C. Date Answer and Administrative Record Were Filed: 01/07/13 (based on date calculated by court)

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states the record is incomplete and inaccurate.
To the best of his knowledge, Defendant states the record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff anticipates submitting additional evidence.
Defendant does not anticipate submitting additional evidence but reserves the right to object to additional evidence Plaintiff submits.

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

This case may raise unusual claims or defenses in that it is not a Social Security disability case. Nonetheless, defendant maintains this is an appeal under section 205(g) of the Social Security Act (Act), and the standard of review is the same as a Social Security disability case. To the contrary, Plaintiff contends this case raises constitutional claims, specifically that application of the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) provision of the Act to reduce her Social Security benefits violates the Fourteenth Amendment and Equal Protection Clause, that reduction of her Social Security benefits does not comply with the intent or the purpose of WEP and/or GPO, and that the reduction by WEP/GPO is not applicable to her situation.

7. OTHER MATTERS

The parties state there are no other matters. This case is not on appeal from a decision issued on remand from this court.

8. BRIEFING SCHEDULE

The parties agreed to the following schedule:

- A. Plaintiffs Opening Brief Due: 03/11/13
- B. Defendant's Response Brief Due: 04/10/13
- C. Plaintiffs Reply Brief (If Any) Due: 04/25/13

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement: Plaintiff requests 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 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 28th day of January 2013.

BY THE COURT:

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

APPROVED:

For Plaintiff:

JANET L. PARKER
Pro Se Plaintiff
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s/ Janet L. Parker
Janet L. Parker

For Defendant:

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