

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

Civil Action No. 12-cv-01949-AP

MIRIAM KURVINK,

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 26, 2012
- B. **Date Complaint Was Served on U.S. Attorney's Office:** August 2, 2012
- C. **Date Answer and Administrative Record Were Filed:** October 1, 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. However, the Plaintiff reserves the right to supplement the record if necessary at the time of the Opening Brief.

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

Due to a scheduling conflict, counsel for Plaintiff requests a deadline 4 days later than the deadline by calculation. Counsel for Defendant does not object.

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

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

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 25th day of October, 2012.

BY THE COURT:

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

APPROVED:

<p><u>/s/ K. Machel Gielarowski</u> 712 N. Tejon St., Ste. 1 Colorado Springs, CO 80903 Telephone (719) 264-0729 E-mail: Giellaw@comcast.net 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/ M. Thayne Warner</u> M. Thayne Warner Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone: (303) 844-7237 thayne.warner@ssa.gov Attorneys for Defendant</p>
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