

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02268-AP

ROBERT H. BATES II,

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:

Robert K. Gruber, #9413
3500 South Wadsworth Blvd., Suite 215
Lakewood, Colorado 80235-2382
Telephone (303) 986-6400
FAX (303) 986-6800
E-mail: bobgruber@earthlink.net
Attorney for Plaintiff

For Defendant:

JOHN F. WALSH
United States Attorney

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

Stephanie Fishkin Kiley
Special Assistant United States Attorney
Social Security Administration
1001 17th Street, 6th Floor
Denver, Colorado 80202
Telephone: 303-844-0815
Facsimile: 303-844-0770
E-mail: stephanie.kiley@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: August 25, 2012

B. Date Complaint Was Served on U.S. Attorney's Office: August 29, 2012

C. Date Answer and Administrative Record Were Filed: October 29, 2012

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of his knowledge, Counsel for Plaintiff states that the record is complete and accurate.

To the best of her knowledge, Counsel for Defendant states that the 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

Counsel for Plaintiff states: To the best of his knowledge, this case does not involve unusual claims or defenses.

Counsel for Defendant states: To the best of his knowledge, this case does not involve unusual claims or defenses.

7. OTHER MATTERS

There are no other matters anticipated.

8. BRIEFING SCHEDULE

Counsel for both parties agree to the following proposed briefing schedule:

- A. Plaintiffs Opening Brief Due:** December 31, 2012
- B. Defendant's Response Brief Due:** January 30, 2013
- C. Plaintiffs Reply Brief (If Any) Due:** February 14, 2013

9. STATEMENTS REGARDING ORAL ARGUMENT

A. Plaintiffs 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 9th day of November, 2012.

BY THE COURT:

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

APPROVED:

/s/ Robert K. Gruber
Robert K. Gruber
3500 South Wadsworth Blvd., Suite 215
Lakewood, Colorado 80235-2382
Telephone (303) 986-6400
FAX (303) 986-6800
E-mail: bobgruber@earthlink.net
Attorney for Plaintiff

JOHN F. WALSH
United States Attorney

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

By: /s/ Stephanie Lynn F. Kiley
Stephanie Lynn F. Kiley
Assistant Regional Counsel
1001 17th Street, 6th Floor
Denver, Colorado 80202
Telephone: (303) 844-0815
stephanie.kiley@ssa.gov
Attorneys for Defendant.