

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:12-cv-2306-AP

JACKIE PONIKVAR,

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:

Joseph A. Whitcomb, Esq.
Rocky Mountain Disability Law Group
1391 Speer Blvd., Suite 705
Denver, CO 80204
Telephone: (303) 534-1954
Fax: (303) 534-1949
joe@RMDLG.com

For Defendant:

JOHN F. WALSH
United States Attorney
District of Colorado

J. BENEDICT GARCÍA
Assistant United States Attorney
J.B.Garcia@usdoj.gov

DAVID BLOWER
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
1001 Seventeenth Street
Denver, CO 80202
Telephone(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:** August 29, 2012
- B. **Date Complaint Was Served on U.S. Attorney's Office:** August 30, 2012
- C. **Date Answer and Administrative Record Were Filed:** October 29, 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.

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

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

- A. Plaintiff's Opening Brief Due:** December 31, 2012
- B. Defendant's Response Brief Due:** January 30, 2013
- C. Plaintiff's Reply Brief (If Any) Due:** February 14, 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 8th day of November, 2012.

BY THE COURT:

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

APPROVED:

<p><u>s/ Joseph Whitcomb</u> Joseph A. Whitcomb, Esq. Rocky Mountain Disability Law Group 1391 Speer Blvd., Suite 705 Denver, CO 80204 Telephone: (303) 534-1954 Fax: (303) 534-1949 joe@RMDLG.com Attorney for Plaintiff</p>	<p>JOHN F. WALSH United States Attorney District of Colorado</p> <p>J. BENEDICT GARCÍA Assistant United States Attorney J.B.Garcia@usdoj.gov</p> <p>By: <u>s/David Blower</u> David Blower Special Assistant United States Attorney 1001 Seventeenth Street Denver, Colorado 80202 Telephone (303) 844-1571 david.blower@ssa.gov Attorneys for Defendant.</p>
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