

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02529-AP

BENJAMIN W. SWAN,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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**1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES**

For Plaintiff:

Frederick W. Newall  
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For Defendant:

John F. Walsh  
United States Attorney

J. Benedict García  
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United States Attorney's Office  
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Michael Howard  
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Office of the General Counsel  
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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: September 24, 2012**
- B. Date Complaint Was Served on U.S. Attorney's Office: October 5, 2012**
- C. Date Answer and Administrative Record Were Filed: December 3, 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. Notwithstanding, the parties would reserve objections regarding the adequacy of the record for the parties' respective briefs on the merits of the case.*

## **5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

*The parties do not intend to submit additional evidence.*

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

*The parties, to the best of their knowledge, 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**

- A. Plaintiff's Opening Brief Due: February 4, 2013**

B. Defendant's Reply Brief (If Any) Due: March 6, 2013

C. Plaintiff's Reply Brief (If Any) Due: March 20, 2013<sup>1</sup>

**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**

**Indicate below the parties' consent choice.**

A. **(X) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.**

B. **( ) 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 19<sup>th</sup> day of December, 2012.

BY THE COURT:

s/John L. Kane

U.S. DISTRICT COURT JUDGE

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<sup>1</sup> When the parties conferred, Plaintiff's attorney requested the above brief deadlines, which are approximately one week later than the customary 40 days given in the Court's form JCMP.

APPROVED:

UNITED STATES ATTORNEY

s/Frederick W. Newall  
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s/ Michael S. Howard  
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