

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

Civil Action No. 12-cv-02567-AP

DAVID PERITO,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,

Defendant.

Joint Case Management Plan

1. APPEARANCES OF COUNSEL

For Plaintiff:

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For Defendant:

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**2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER
JURISDICTION**

This Court has jurisdiction based on Social Security Act §§ 205(g), 1631(c)(3), 42 U.S.C. §§ 405(g), 1383(c)(3) (2006).

3. DATES OF FILING RELEVANT PLEADINGS

- A. Date Complaint Was Filed: September 27, 2012 (initial complaint)
October 31, 2012 (amended complaint)
- B. Date Complaint Was Served on U.S. Attorney's Office: November 2, 2012
- C. Date Answer and Administrative Record Were Filed: December 27, 2012

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of their knowledge, the parties believe the administrative record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Neither party intends to submit additional evidence.

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

The parties do not believe this case raises any unusual claims or defenses.

7. OTHER MATTERS

This case is *not* on appeal from a decision issued on remand. The parties have no other matters to bring to the attention of the Court.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: February 25, 2013
- B. Defendant's Response Brief Due: March 27, 2013
- C. Plaintiff's Reply Brief (If Any) Due: April 11, 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

The parties *do not* consent to the exercise of jurisdiction by a magistrate judge.

11. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

Parties filing motions for extensions of time or continuances must comply with D.C.COLO.LCivR 6.1(E) 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 16th day of January, 2013.

BY THE COURT:

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

APPROVED:

/s/ Daniel E. Burrows FOR
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