

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-02610-AP

Mary L. Luyk,

Plaintiff,

v.

Michael J. Astrue,  
Commissioner of Social Security  
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:  
Joseph A. Whitcomb, Esq.  
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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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## **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: 10/02/12**
  
- B. Date Complaint Was Served on U.S. Attorney's Office: 10/17/12**
  
- C. Date Answer and Administrative Record Were Filed: 12/17/12**

## **4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

To the best of her knowledge, Plaintiff states that the record is complete and accurate.

To the best of his knowledge, 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**

The parties state that this case does not raise unusual claims or defenses.

## **7. OTHER MATTERS**

The parties state that there are no other matters.

## **8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: 2/19/13**
  
- B. Defendant's Response Brief Due: 3/21/13**
  
- C. Plaintiff's Reply Brief (If Any) Due: 4/5/13**

**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. ( ) All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.
- B. ( X ) 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 7<sup>th</sup> day of January, 2013.

BY THE COURT:

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

APPROVED:

John F. Walsh  
United States Attorney

s/Joseph A. Whitcomb  
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