

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

Civil Action No. 12-cv-02932-AP

JEREMY MALIK,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of Social Security,<sup>1</sup>

Defendant.

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**JOINT CASE MANAGEMENT PLAN**

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**1. APPEARANCES OF COUNSEL:**

For Plaintiff:

Joseph A. Whitcomb  
Rocky Mountain Disability Law Group  
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For Defendant:

Meghan Frei Berglind  
Special Assistant U.S. Attorney  
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Social Security Administration  
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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin should be substituted for Michael J. Astrue as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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

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

**3. DATES OF FILING RELEVANT PLEADINGS**

- A. Date Complaint Was Filed: November 7, 2012
- B. Date Complaint Was Served on the U.S. Attorney's Office: December 17, 2012
- C. Date Answer Was Filed: February 11, 2013
- D. Date Administrative Record Was Filed: February 11, 2013

**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**

The parties do not intend 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* an 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: April 8, 2013
- B. Defendant's Response Brief Due: May 8, 2013
- C. Plaintiff's Reply Brief (If Any) Due: May 23, 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 joint case management plan may be altered or amended only upon a showing of *good cause*.

DATED this 1<sup>st</sup> day of March, 2013.

BY THE COURT:

*s/John L. Kane*  
U.S. District Court Judge

APPROVED:

s/ Meghan Frei Berglind on behalf of

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