

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03016-AP

William Pagan,

Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner of Social Security,¹

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

Michael Seckar
Seckar Law
402 W. 12th Street
Pueblo, CO 81003
719-543-8403
seckarlaw@mindspring.com

John F. Walsh
United States Attorney

J.B. García
Assistant United States Attorney
District of Colorado

For Defendant:

Stephanie Lynn F. Kiley
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
1001 Seventeenth Street
Denver, Colorado 80202
(303) 844-0815
stephanie.kiley@ssa.gov

¹ 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

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:** November 16, 2012
- B. Date Complaint Was Served on U.S. Attorney's Office:** January 14, 2013
- C. Date Answer and Administrative Record Were Filed:** March 13, 2013

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

Neither party intends 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

Plaintiff previously filed a complaint with this Court, civil action No. 09-cv-2875-ZLW. The case was decided by Senior Judge Zita Weinshienk (Doc. 20, March 22, 2011, Order remanding the case to the Social Security Administration for further administrative proceedings).

8. BRIEFING SCHEDULE

Due to Defendant's counsel's caseload, the parties request a briefing schedule outside of the standard time frame.

- A. Plaintiff's Opening Brief Due:** May 28, 2013
- B. Defendant's Response Brief Due:** June 27, 2013
- C. Plaintiff's Reply Brief (If Any) Due:** July 12, 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

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 25th day of March, 2013.

BY THE COURT:

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

APPROVED:

UNITED STATES ATTORNEY

/s/Michael W. Seckar
Michael W. Seckar
Seckar Law
402 W. 12th Street
Pueblo, CO 81003
719-543-8403
seckarlaw@mindspring.com

/s/ Stephanie Lynn F. Kiley
By: Stephanie Lynn F. Kiley
Special Assistant U.S. Attorney
Social Security Administration
1001 17th Street, Sixth Floor
Denver, CO 80202
303-844-0815
stephanie.kiley@ssa.gov
Attorneys for Defendant.

Attorney for Plaintiff