

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

Civil Action No. 12-cv-03067-AP

WILLIAM H. KLEIS,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner of Social Security,¹

Defendant.

Joint Case Management Plan

1. APPEARANCES OF COUNSEL

For Plaintiff:

K. Mabelle Gielarowski
712 N Tejon St
Suite 1
Colorado Springs, CO 80903
(719) 264-0729
giellaw@comcast.net

For Defendant:

Daniel E. Burrows
Special Assistant U.S. Attorney
Office of the General Counsel
Social Security Administration
1001 17th St
Denver, CO 80202
(303) 844-7356
daniel.burrows@ssa.gov

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

¹ Carolyn W. Colvin became the Acting Commissioner on February 14, 2013. Pursuant to Fed. R. Civ. P. 25(d), she 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 Social Security Act § 205(g), 42 U.S.C. § 405(g) (2006).

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

3. DATES OF FILING RELEVANT PLEADINGS

- A. Date Complaint Was Filed: November 21, 2012
- B. Date Complaint Was Served on U.S. Attorney's Office: December 10, 2012
- C. Date Answer and Administrative Record Were Filed: February 5, 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

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 on appeal from a decision issued on remand. The original case was *Klies v. Astrue*, Civil Action No. 09-cv-02787-MSK (D. Colo.). Judge Marcia Krieger made oral findings and conclusions and ordered the case remanded on June 3, 2011. Judgment was entered on June 9, 2011. The parties have no other matters to bring to the attention of the Court.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: April 15, 2013
- B. Defendant's Response Brief Due: May 15, 2013
- C. Plaintiff's Reply Brief (If Any) Due: May 30, 2013

This departs from the usual briefing schedule in Social Security cases because Plaintiff's attorney expects to be out of the country for several weeks in March and April.

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement: Plaintiff does not request oral argument.
- B. Defendant's Statement: Defendant requests oral argument. Agency counsel

anticipates that briefing in this case may raise legal issues that are not frequently addressed in the course of litigation under the Social Security Act. Therefore, the Acting Commissioner believes oral argument would be helpful for illuminating and clarifying the parties' positions.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

All parties intend to 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 25th day of February, 2013.

BY THE COURT:

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

APPROVED:

JOHN F. WALSH
United States Attorney

J. BENEDICT GARCÍA
Assistant United States Attorney

s/ Daniel E. Burrows for
K. MACHELLE GIELAROWSKI
712 N Tejon St
Suite 1
Colorado Springs, CO 80903
(719) 264-0729
giellaw@comcast.net

Attorney for Plaintiff

(SIGNED PER ELECTRONIC
AUTHORIZATION)

s/ Daniel E. Burrows
DANIEL E. BURROWS
Special Assistant U.S. Attorney
Social Security Administration
Office of the General Counsel
1001 17th St
Denver, CO 80202
(303) 844-7356
daniel.burrows@ssa.gov

Attorneys for Defendant