

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03096-AP

JAMES K. THOMAS,

Plaintiff,

v.

CAROLYN W. COLVIN,<sup>1</sup>

Acting Commissioner of Social Security,

Defendant.

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**JOINT CASE MANAGEMENT PLAN**

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**1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES**

For Plaintiff:

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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**

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 27, 2012

**B. Date Complaint Was Served on U.S. Attorney's Office:** December 17, 2012

**C. Date Answer and Administrative Record Were Filed:** February 15, 2013;  
February 19, 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**

The parties do not anticipate submitting additional evidence.

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

The parties, to the best of their knowledge, do not believe this case raises unusual claims or defenses.

**7. OTHER MATTERS**

This case is on appeal from a decision issued on remand from the Honorable Philip A. Brimmer in Case No. 08-cv-00005-PAB.

**8. BRIEFING SCHEDULE**

Counsel for both parties agree to the following proposed briefing schedule:

- A. **Plaintiff's Opening Brief Due:** April 23, 2013
- B. **Defendant's Response Brief Due:** May 23, 2013
- C. **Plaintiff's Reply Brief (If Any) Due:** June 7, 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 7<sup>th</sup> day of March, 2013.

BY THE COURT:

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

APPROVED:

s/Frederick W. Newall  
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