

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. 12-cv-3117-AP

JOHN RUSTAD,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

Chris R. Noel
3000 Pearl Street, #212
Boulder, Colorado 80301-2431
303-449-6503
chrisildar@comcast.net

For Defendant:

John F. Walsh
United States Attorney

J. Benedict Garcia
Assistant United States Attorney
District of Colorado

Michael S. Howard
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
1001 Seventeenth Street,
Denver, Colorado 80202
(303) 844-7192
Michael.howard@ssa.gov

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 29, 2012
- B. Date Complaint was served on U.S. Attorney's Office: November 30, 2012
- C. Date Answer and Administrative Record were filed: January 29, 2013

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states that the administrative record is presumed to be complete.

Defendant, to the best of his knowledge, states that the administrative record is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Plaintiff states that additional evidence may be required depending on what a review of the record reveals.

Defendant does not intend to submit additional evidence. In the event Plaintiff seeks to supplement the record, Defendant requests an opportunity to review the additional evidence and an opportunity to respond to Plaintiff's request to supplement the record.

6. STATEMENT REGARDING WHETHER THIS CASES RAISES UNUSUAL CLAIMS OR DEFENSES

Plaintiff states there are no unusual claims.

Defendant, to the best of his knowledge, does not believe the cases raises unusual claims or defenses.

7. OTHER MATTERS

The parties have no other matters to bring to the attention of the Court. This case is not on appeal from any other remanding court.

8. BRIEFING SCHEDULE

The parties respectfully request the following briefing schedule:

- | | | |
|----|--------------------------------|---------------|
| A. | Plaintiff's opening brief due | April 1, 2013 |
| B. | Defendant's response brief due | May 1, 2013 |
| C. | Plaintiff's reply brief due | May 16, 2013 |

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff does not request oral argument.
- B. Defendant does not request oral argument.

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.

11. OTHER MATTERS

THE PARTIES FILING MOTIONS FOR EXTENSION OF TIME OR CONTINUANCES MUST COMPLY WITH D.C. COLO.L.CivR. 7.1(C) BY SUBMITTING PROOF THAT A COPY OF THE MOTION HAS BEEN SERVED UPON ALL ATTORNEYS OF RECORD AND ALL *PRO SE* PARTIES.

12. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.

DATED this 14th day of February, 2013.

BY THE COURT:

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

APPROVED:

s/Chris R. Noel

Chris R. Noel

3000 Pearl Street, #212

Boulder, Colorado 80301-2431

303-449-6503

JOHN F. WALSH

United States Attorney

J. Benedict Garcia

Assistant United States Attorney

District of Colorado

s/Michael S. Howard

Michael S. Howard

Special Assistant United States Attorney

Office of the General Counsel

Social Security Administration

1001 Seventeenth Street

Denver, Colorado 80202

(303) 844-7192