

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03132-AP

REBECCA D. WEST,

Plaintiff,

v.

CAROLYN COLVIN, Acting 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:

Patrick C.H. Spencer, II  
830 Tenderfoot Hill Road, Suite 320  
Colorado Springs, CO 80906  
(719) 632-4808  
patrick@2spencers.com

For Defendant:

Meghan Frei Berglind  
Special Assistant U.S. Attorney  
Office of the General Counsel  
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 30, 2012
- B. Date Complaint Was Served on the U.S. Attorney's Office: December 4, 2012
- C. Date Answer Was Filed: February 5, 2013
- D. Date Administrative Record Was 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**

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. Defendant has no other matters to bring to the attention of the Court.

## **8. BRIEFING SCHEDULE**

Because of conflicts with Plaintiff's counsel calendar that would occur with an earlier briefing schedule, the parties request that the opening brief be due approximately 60 days after the filing of this proposed Joint Case Management Plan.

- A. Plaintiff's Opening Brief Due: April 19, 2013
- B. Defendant's Response Brief Due: May 20, 2013
- C. Plaintiff's Reply Brief (If Any) Due: June 4, 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 26<sup>th</sup> day of February, 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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