

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03239-AP

Donna Martinez,

Plaintiff,

v.

Carolyn W. Colvin,  
Acting Commissioner of Social Security,<sup>1</sup>  
Defendant.

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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<sup>1</sup> **Error! Main Document Only.** 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).

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

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### For Defendant:

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## 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: December 12, 2012**
- B. **Date Complaint Was Served on U.S. Attorney's Office: January 9, 2013**
- C. **Date Answer and Administrative Record Were Filed: March 7, 2013**

## 4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of their knowledge, the parties state that the record is complete and accurate.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

The parties do not anticipate any additional evidence.

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

The parties state that this case does not appear to raise unusual claims or defenses.

**7. OTHER MATTERS**

This case is before the Court on appeal following a prior remand by the United States District Court for the District of Colorado, the Honorable Christine Arguello, case no. 09-cv-00668-CMA.

**8. BRIEFING SCHEDULE**

Counsel for both parties conferred and agreed upon the following proposed briefing schedule. Due to Plaintiff’s counsel’s schedule and conflicts with commitments in other cases, the parties have agreed to a briefing schedule outside the normal timeframes. **OK/ JLK**

- A. **Plaintiff's Opening Brief Due: July 1, 2013**
- B. **Defendant’s Response Brief Due: July 31, 2013**
- C. **Plaintiff’s Reply Brief (If Any) Due: August 15, 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 25<sup>th</sup> day of April, 2013.

BY THE COURT:

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

APPROVED:

John F. Walsh  
United States Attorney

***s/ Patrick Spencer***  
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