

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03310-AP

MARK A. CROSS,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

PATRICK C.H. SPENCER, II, Esq.
830 Tenderfoot Hill Road, Suite 320
Colorado Springs, CO 80906
(719) 632-4808
(719) 632-4807 (fax)
patrick@2spencers.com

For Defendant:

Jessica Milano
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration
1001 17th Street
Denver, CO 80202
(303) 844-7136
(303) 844-0770 (fax)
jessica.milano@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:** December 19, 2012
- B. Date Complaint Was Served on U.S. Attorney's Office:** January 9, 2013
- C. Date Answer and Administrative Record Were Filed:** March 11, 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

Neither party intends to submit 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 any 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 a decision issued on remand from this Court.

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.

- A. Plaintiff's Opening Brief Due:** June 20, 2013
- B. Defendant's Response Brief Due:** July 20, 2013
- C. Plaintiff's Reply Brief (If Any) Due:** August 5, 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

- 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 1st day of April, 2013.

BY THE COURT:

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

APPROVED:

s/Patrick C.H. Spencer, II
PATRICK C.H. SPENCER, II, Esq.
830 Tenderfoot Hill Road, Suite 320
Colorado Springs, CO 80906
(719) 632-4808
(719) 632-4807 (fax)
patrick@2spencers.com

Attorney for Plaintiff

JOHN F. WALSH
United States Attorney

J. BENEDICT GARCÍA
Assistant United States Attorney
United States Attorney's Office
District of Colorado

s/ Jessica Milano
Jessica Milano
Special Assistant United States Attorney
1001 17th Street
Denver, CO 80202
(303) 844-7136
(303) 844-0770 (fax)
jessica.milano@ssa.gov

Attorneys for Defendant