

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

Civil Action No. **12-cv-3348-AP**

EVERETT BORDERS,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

**MINUTE ORDER REGARDING INSTRUCTIONS FOR PREPARATION OF
JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

Judge John L. Kane **ORDERS**

Note: Newly Required Information to be Included in Paragraph 7.

The Complaint has been filed in this Social Security case. The parties must meet and confer in order to submit to the Court the following Joint Case Management Plan for Social Security Cases. A form Joint Case Management Plan for the parties reference and use is attached and is available on the court's website www.cod.uscourts.gov . This Plan must be filed no more than 20 days after the filing of the Answer and shall include the signatures of counsel and *pro se* parties and provide for approval by the Court as specified on the attached form. Counsel and *pro se* parties should try in good faith to agree upon matters covered in the Plan. Any area of disagreement should be set forth with a brief statement concerning the basis for the disagreement. The parties should expect

that the Court may make modifications in the proposed Plan and may want to discuss all issues affecting management of the case.

D.C.COLO. LCivR 72.2 authorizes United States magistrate judges to exercise jurisdiction of civil matters upon the consent of the parties. This is construed to include social security appeals. Section 10 of the proposed Plan provides the parties with the opportunity to consent, if they wish, to the exercise of jurisdiction by a magistrate judge in accordance with the Local Rule.

Dated: January 7, 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00000-AP [*place AP docket number here*]

XXXXX,

Plaintiff,

v.

YYYYY,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

For Defendant:

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:

B. Date Complaint Was Served on U.S. Attorney's Office:

C. Date Answer and Administrative Record Were Filed:

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

[Provide concise statements regarding the completeness or accuracy of the administrative record. Do not summarize the pleadings or make statements about the merits, or lack thereof, of the case or the defenses.]

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

[Provide concise statements regarding any additional evidence either party has submitted or intends to submit. Do not summarize the pleadings or make statements about the merits, or lack thereof, of the case or the defenses.]

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

[Provide concise statements regarding whether the case involves unusually complicated or out-of-the-ordinary claims, such as a constitutional challenge to a statute or regulation, an alleged due process violation, a request for injunctive or emergency relief, etc. It would be the unusual case that has any information in this section.]

7. OTHER MATTERS

*[Describe any other matters either party believes should be brought to the attention of the Court. The parties **MUST** state whether the case is on appeal from a decision issued on remand from this court and include the case number and district judge who entered the order for remand.]*

8. PROPOSED BRIEFING SCHEDULE

[The plaintiff's opening brief should be due no later than 30-40 days from the filing of this Joint Case Management Plan; the response brief due 30 days thereafter; and the reply brief (if any) due 15 days thereafter.]

A. Plaintiff's Opening Brief Due:

- B. Defendant's Response Brief Due:

- C. Plaintiff's Reply Brief (If Any) Due:

9. STATEMENTS REGARDING ORAL ARGUMENT

[The parties should state whether they request oral argument. If oral argument is requested, the requesting party(ies) should explain the need for oral argument. Even if oral argument is requested by one or both parties, it will be the decision of the Judge to whom the case is randomly drawn to determine whether there is a need for such argument.]

- A. Plaintiff's Statement:

- B. Defendant's Statement:

10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

[The parties should state whether they intend to consent to the exercise of jurisdiction by a magistrate judge in accordance with D.C.COLO.LCivR 72.2. Pursuant to this Rule, all full-time magistrate judges in the District of Colorado are specially designated under 28 U.S.C. § 636(c)(1) to conduct any or all proceedings in any jury or nonjury civil matter and order the entry of judgment. If all parties consent to the exercise of jurisdiction by a magistrate judge under D.C.COLO.LCivR 72.2, they must file a completed "notice of Availability . . . and Consent to Exercise Jurisdiction" form, which Plaintiff should have received from the clerk upon filing, NO LATER THAN 40 days after the date of Defendant's Answer, or within 20 days of the filing of the proposed Plan. Upon consent of the parties and an order of reference from the district judge, jurisdiction over the ultimate disposition of this case will be assigned to the magistrate judge drawn at random under D.C.COLO.LCivR 72.2.]

Indicate below the parties' consent choice.

- A. () All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.

- B. () 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 ____ day of _____, 20__.

BY THE COURT:

U.S. DISTRICT COURT JUDGE

APPROVED:

UNITED STATES ATTORNEY

(Name)
(Address)

Telephone:
e-mail address
Attorney(s) for Plaintiff(s)
(or Plaintiff, *pro se*)

By:
Special Assistant U.S. Attorney

Mailing Address:
e-mail address
Street Address:

Attorney for Defendant(s)

Please affix counsel's signatures and any *pro se* party's signatures before submission of the proposed Joint Case Management Plan to the court.

Revised: 5/29/2012