

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00053-AP

ALVIN R. GUTIERREZ

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

James R. Koncilja, Esq.
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For Defendant:

John F. Walsh
United States Attorney

J. Benedict Garcia
United States Attorney's Office
District of Colorado
United States Attorney

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Office of the General Counsel
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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: January 10, 2013

B. Date Complaint Was Served on U.S. Attorney's Office: May 1, 2013

C. Date Answer and Administrative Record Were Filed: June 20, 2013

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD.

To the best of their knowledge, both parties state the record is complete and adequate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

Neither party intends to submit additional evidence.

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

Both parties state that this case does not involve unusually complicated or out of the ordinary claims.

7. OTHER MATTERS

The Claimant filed his application for disability insurance benefits under Title II of the Social Security Act on June 16, 2004. Said application was denied by the Administrative Law Judge on February 23, 2007. The case was appealed to the United States District Court in 1:07-CV-02208 –REB. On December 15, 2008, said Court remanded the case back to the Administrative Law

Judge. A subsequent unfavorable decision was issued by the same Administrative Law Judge on July 28, 2010. On January 24, 2012, the Appeals Council remanded the claim and assigned it to a new Administrative Law Judge. A third unfavorable ruling was issued on August 14, 2012. On January 10, 2013 a Complaint was filed in the above captioned case.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: August 23, 2013
- B. Defendant's Response Brief Due: September 23, 2013
- C. Plaintiff's Reply Brief (If Any) Due: October 14, 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 9th day of July, 2013.

BY THE COURT:

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

APPROVED:

UNITED STATES ATTORNEY

s/ James R. Koncilja

James R. Koncilja

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Attorney(s) for Plaintiff

s/ Alexess D. Rea

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