

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-376-AP

GREGORY A. FERNANDEZ,  
Plaintiff,

v.

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,<sup>1</sup>  
Defendant.

---

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

---

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

For Plaintiff:  
Michael W. Seckar  
402 W. 12th Street  
Pueblo, CO 81003  
719-543-8636  
719-543-8403 (facsimile)  
seckarlaw@mindspring.com

For Defendant:  
John F. Walsh  
United States Attorney

J. Benedict García  
Assistant United States Attorney  
United States Attorney's Office  
[J.B.Garcia@usdoj.gov](mailto:J.B.Garcia@usdoj.gov)

David I. Blower  
Special Assistant United States Attorney  
Denver, Colorado 80202  
303-844-1571  
303-844-0770 (facsimile)  
[David.blower@ssa.gov](mailto:David.blower@ssa.gov)

---

<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**

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: 2/12/13**
- B. Date Complaint Was Served on U.S. Attorney's Office: 3/26/13**
- C. Date Answer and Administrative Record Were Filed: 5/23/13**

## **4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

To the best of his knowledge, Plaintiff states that the record is complete and accurate.

To the best of his knowledge, Defendant states that the record is complete and accurate.

## **5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

The parties do not anticipate submitting additional evidence.

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

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

## **7. OTHER MATTERS**

The parties state that there are no other matters.

## **8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: 7/22/13**
- B. Defendant's Response Brief Due: 8/21/13**
- C. Plaintiff's Reply Brief (If Any) Due: 9/5/13**

**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 12<sup>th</sup> day of June, 2013.

BY THE COURT:

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

APPROVED:

s/ Michael Seckar  
402 W. 12th Street  
Pueblo, CO 81003  
719-473-1515  
719-543-8403 (facsimile)  
[seckarlaw@mindspring.com](mailto:seckarlaw@mindspring.com)

Attorneys for Plaintiff

John F. Walsh  
United States Attorney

**By:** s/ *David I. Blower*  
Special Assistant U.S. Attorney  
1001 17th Street  
Denver, CO 80202  
303-844-1571  
303-844-0770 (facsimile)  
[David.blower@ssa.gov](mailto:David.blower@ssa.gov)  
Attorneys for Defendant