

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:13-cv-00522-AP

Marcia L. Heald,

Plaintiff,

v.

Carolyn W. Colvin,
Acting Commissioner of Social Security,¹
Defendant.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

Christopher R. Alger
McDivitt Law Firm
1401 17th Street, Suite 500
Denver, CO 80202
(303) 426-4878
(303) 996-8569 (facsimile)
calger@mcdivittlaw.com

For Defendant:

John F. Walsh
United States Attorney

¹ 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).

J. Benedict García
Assistant United States Attorney
United States Attorney's Office
District of Colorado
J.B.Garcia@usdoj.gov

Alexess D. Rea
Special Assistant United States Attorney
Denver, Colorado 80202
303-844-7101
303-844-0770 (facsimile)
Alexess.rea@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: February 28, 2013**

- B. Date Complaint Was Served on U.S. Attorney's Office: March 5, 2013**

- C. Date Answer and Administrative Record Were Filed: May 6, 2013**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The parties state that, to the best of their knowledge, 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

The parties are not aware of any other matters.

8. BRIEFING SCHEDULE

- A. Plaintiff's Opening Brief Due: July 8, 2013**
- B. Defendant's Response Brief Due: August 7, 2013**
- C. Plaintiff's Reply Brief (If Any) Due: August 22, 2013**

9. STATEMENTS REGARDING ORAL ARGUMENT

- A. Plaintiff's Statement:** Plaintiff does/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 28th day of May, 2013.

BY THE COURT:

s/John L. Kane

U.S. DISTRICT COURT JUDGE

APPROVED:

s/Christopher R. Alger

McDivitt Law Firm
1401 17th Street, Suite 500
Denver, CO 80202
(303) 426-4878
(303) 996-8569 (facsimile)
calger@mcdivittlaw.com

Attorney for Plaintiff

John F. Walsh
United States Attorney

By: s/Alexess Rea

Special Assistant U.S. Attorney
1001 17th Street
Denver, CO 80202
303-844-7101
303-844-0770 (facsimile)
Alexess.rea@ssa.gov

Attorneys for Defendant