

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. No. 13-cv- 01321-AP

MARVIN SMITH,

Plaintiff,

v.

CAROLYN COLVIN,  
ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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

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

For Plaintiff:

For Defendant:

Christina J. Valerio  
Assistant Regional Counsel  
Social Security Administration  
Office of General Counsel  
Region VIII  
1961 Stout, Suite 4169  
Denver, CO 80294  
Telephone: (303) 844-7348  
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Christina.valerio@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: May 20, 2013**

**B. Date Complaint Was Served on U.S. Attorney's Office: September 30, 2013**

**C. Date Answer and Administrative Record Were Filed: November 15, 2013**

**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 her 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**

Defendant has requested an amended briefing schedule due to having four response briefs due in this Court in early February 2014, as well as two Ninth Circuit Appellate Briefs in mid-January 2014.

The parties agreed to the following schedule:

- |   |                         |
|---|-------------------------|
| <b>A. Plaintiff's Opening Brief Due:</b>        | <b>February 5, 2014</b> |
| <b>B. Defendant's Response Brief Due:</b>       | <b>March 7, 2014</b>    |
| <b>C. Plaintiff's Reply Brief (If Any) Due:</b> | <b>March 24, 2014</b>   |

**9. STATEMENTS REGARDING ORAL ARGUMENT**

- |                                  |   |
|----------------------------------|---|
| <b>A. Plaintiff's Statement:</b> | Plaintiff does not request oral argument. |
| <b>B. Defendant's Statement:</b> | 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 5<sup>th</sup> day of December, 2013.

BY THE COURT:

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

APPROVED:

JOHN F. WALSH  
UNITED STATES ATTORNEY

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

s/ Christina J. Valerio  
Christina J. Valerio  
Assistant Regional Counsel  
Social Security Administration  
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