

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-1862-AP

CHERYL A. BELLON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES

1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES

For Plaintiff:

Frederick W. Newall
730 N. Weber, #101
Colorado Springs, CO 80903
Phone: (719) 633-5211
Email: fnewall@qwestoffice.net

For Defendant:

John F. Walsh
United States Attorney

James L. Burgess
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration-Region VIII
1969 Stout Street, Suite 4169
Denver, CO 80294-4003
Phone: (303) 844-1856
Email: james.burgess@ssa.gov

J. Benedict García
Assistant United States Attorney
1225 Seventeenth Street, Suite 700
Denver, CO 80202
Phone: (303) 454-0100
Email: J.B.Garcia@usdoj.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: July 15, 2013

B. Date Complaint Was Served on U.S. Attorney's Office: July 22, 2013

C. Date Answer and Administrative Record Were Filed: September 18, 2013

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

The parties, to the best of their knowledge, state that the administrative 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, to the best of their knowledge, do not believe this case raises unusual claims or defenses.

7. OTHER MATTERS

There are no other matters anticipated. Plaintiff's current claim does not involve any prior judicial proceedings.

8. BRIEFING SCHEDULE

Attorneys for both parties agree to the following proposed briefing schedule:

A. Plaintiff's Opening Brief Due: December 5, 2013

B. Defendant's Response Brief Due: January 4, 2014

C. Plaintiff's Reply Brief (If Any) Due: January 20, 2014

A small extension for briefing is requested due to Plaintiff's counsel's calendar with opening briefs due on November 18, in Ruth Vigil, 13 CV 01763 and on November 25th in Marcos Vigil, 13 CV 01967. This scheduling was moved 17 days forward from November 18th after AUSA James Burgess – s/'d the proposed schedule, but it is assumed he would have no objection to the 17-day extension.

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

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 15th day of November, 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

s/ Frederick W. Newall
730 N. Weber, #101
Colorado Springs, CO 80903
Phone: (719) 633-5211
Email: fnewall@qwestoffice.net
Counsel for Plaintiff

s/ James L. Burgess
Special Assistant United States Attorney
Assistant Regional Counsel
Office of the General Counsel
Social Security Administration-Region VIII
1961 Stout Street, Suite 04169
Denver, CO 80294-4003
Phone: (303) 844-1856
Email: james.burgess@ssa.gov
Counsel for Defendant