

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 13-cv-02218-AP

JANICE CIHAK,

Plaintiff,

v.

KATHLEEN SEBELIUS, Secretary of Health and Human Services,

Defendant.

JOINT CASE MANAGEMENT PLAN

1. APPEARANCES OF COUNSEL

For Plaintiff:

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For Defendant:

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2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on 42 U.S.C. § 1395w-104(h).

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Complaint Was Filed:

August 19, 2013

B. Date Complaint Was Served on U.S. Attorney's Office:

August 23, 2013

C. Date Answer and Administrative Record Were Filed:

Answer filed on December 23, 2013.

Administrative Record filed on December 26, 2013.

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

Plaintiff states that the record appears incomplete with regard to the amount in controversy (AIC). Plaintiff intends to supplement the record as indicated below in paragraph 5.

Defendant has no issues regarding the adequacy of the record and believes it is complete and accurate.

5. STATEMENT REGARDING ADDITIONAL EVIDENCE

The parties have not submitted additional evidence. Plaintiff intends to file a motion to supplement the record with evidence supporting her claim that she satisfied the amount in controversy as stated in her Complaint and Petition for review.

Defendant does not intend to submit additional evidence.

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

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

7. OTHER MATTERS

None.

8. BRIEFING SCHEDULE

A. Plaintiff's Opening Brief Due:

March 12, 2014

B. Defendant's Response Brief Due:

April 11, 2014

C. Plaintiff's Reply Brief (If Any) Due:

April 28, 2014

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 22nd day of January, 2014.

BY THE COURT:

s/John L. Kane

U.S. DISTRICT COURT JUDGE

APPROVED:

s/ Teresa H. Abbott

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