

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02225- AP

JULIE ANNE CARY,

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:
Julie Anne Cary
4554 Cathay St.
Denver, CO 80249
720-771-1246
Pro se

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

Allan D. Berger
Special Assistant United States Attorney
Social Security Administration, Region VIII
Office of the General Counsel
1961 Stout Street, Suite 4169
Denver, Colorado 80294-4003
303-844-2149
303-844-0770 (facsimile)
Allan.berger@ssa.gov

1.A. EXPLANATION OF SIGNATURES

The parties agree to the dates contained in this document. However, Plaintiff's signature appears on a document with incorrect dates. This came about due to a miscommunication. The parties attempted to come to an agreement on a plan within the time frames originally set by the Court. Since Plaintiff is pro-se, the parties wanted an actual, rather than an electronic signature. Defendant's counsel sent Plaintiff a plan. But, by the time she received it, the parties had to ask for an extension of time. Plaintiff signed the plan sent to her, which provided for an opening brief date of December 18, 2013 (see attached). Upon receipt of the signed plan, Defendant's counsel realized that the time frames were incorrect and, on December 5, 2013, contacted Plaintiff. Defendant's counsel and Plaintiff agreed to change the dates so that Plaintiff's opening brief is due 40 days after the submission of the plan. The new dates are reflected in this document. The parties have agreed to submit this plan to the Court with Plaintiff's signature on the now outdated plan so that there is no need to delay the case further. **OK - JLK**

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: August 19, 2013**

- B. Date Complaint Was Served on U.S. Attorney's Office: August 21, 2013**

- C. Date Answer and Administrative Record Were Filed: October 18, 2013**

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of her 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

- A. Plaintiff's Opening Brief Due: January 21, 2013
- B. Defendant's Response Brief Due: February 18, 2014
- C. Plaintiff's Reply Brief (If Any) Due: March 4, 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 9th day of December, 2013.

BY THE COURT:

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

APPROVED:

UNITED STATES ATTORNEY

John F. Walsh
United States Attorney

s/ Julie A. Cary
4554 Cathay
Denver, CO 80249
720-771-1246
Pro-se

By: s/Allan D. Berger
Special Assistant U.S. Attorney
Social Security Administration
Office of the General Counsel
1961 Stout Street, Suite 4169
Denver, CO 80294-5003
303-844-2149
303-844-0770 (facsimile)
Allan.berger@ssa.gov
Attorneys for Defendant