

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02530-AP

Timothy Gene Foltz,

Plaintiff.

v.

Carolyn 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:

Gail C. Harriss
450 S. Camino del Rio, Suite 201
Durango, CO 81301
970-247-4411
gharriss@harrisslaw.com

For Defendant:

John F. Walsh
United States Attorney

J.B. García
Assistant United States Attorney

District of Colorado

Stephanie Lynn F. Kiley
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
1961 Stout Street, Suite 4169
Denver, CO 80294-4003
(303) 844-0815
stephanie.kiley@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: September 17, 2013**
- B. Date Complaint Was Served on U.S. Attorney's Office: September 30, 2013**
- C. Date Answer and Administrative Record Were Filed: November 22, 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

Neither party intends to submit additional evidence.

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

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

7. OTHER MATTERS

The parties have no other matters to bring to the attention of the Court.

The parties state that this case is not on appeal from a decision issued on remand from this Court.

8. BRIEFING SCHEDULE

The parties request the following briefing schedule:

- A. Plaintiff's Opening Brief Due: February 14, 2014**
- B. Defendant's Response Brief Due: March 17, 2014**
- C. Plaintiff's Reply Brief (If Any) Due: April 1, 2014**

The reason plaintiff is seeking additional time within which to file her Opening Brief is that plaintiff's counsel has: a Reply Brief due in USDC on January 3, 2013 (Green v. Colvin); an Opening Brief due in USDC on January 6, 2013 (Cocozza v. Colvin); two social security hearings scheduled on January 7, 2014; one social security hearing scheduled on January 9, 2014; an Opening Brief due in USDC on January 14, 2014 (Barker v. Colvin); two social

security hearings scheduled on January 15, 2014; one worker's compensation hearing scheduled on January 21, 2014; one worker's compensation hearing scheduled on January 23, 2014; and a social security hearing scheduled on February 13, 2014. Plaintiff's counsel will also be out of the office, on a pre-arranged vacation, from January 28, 2014 through February 7, 2014. **OK/JLK**

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 12th day of December, 2013.

BY THE COURT:

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

APPROVED:

/s/Gail C. Harriss

Gail C. Harriss
450 S. Camino del Rio, Suite 201
Durango, CO 81301
(970) 247-4411
gharriss@harrisslaw.com

UNITED STATES ATTORNEY

/s/ Stephanie Lynn F. Kiley

By: Stephanie Lynn F. Kiley
Special Assistant U.S. Attorney
1961 Stout Street, Suite 4169
Denver, CO 80294
(303) 844-0815
stephanie.kiley@ssa.gov