

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. No. 1:13-cv-2839-AP

MANUEL LOVATO,

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:

Joseph A. Whitcomb
Rocky Mountain Disability Law Group
1391 Speer Blvd., Suite 705
Denver, CO 80204
Telephone: (303) 534-1958
Facsimile: (303) 534-1949
Email: joe@RMDLG.com

For Defendant:

John F. Walsh
United States Attorney

J. Benedict García
Assistant United States Attorney
United States Attorney's Office
Email: J.B.Garcia@usdoj.gov

James L. Burgess
Special Assistant United States Attorney
Social Security Administration, Region VIII
Office of the General Counsel
1961 Stout Street, Suite 4169
Denver, Colorado 80294-4003
Phone: (303) 844-1856
Facsimile: (303) 844-0770
Email: james.burgess@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: October 17, 2013**

- B. Date Complaint Was Served on U.S. Attorney's Office: February 14, 2014**

- C. Date Answer and Administrative Record Were Filed: April 14, 2014**

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

The parties agreed to the following schedule:

- A. Plaintiff's Opening Brief Due: June 23, 2014**

- B. Defendant's Response Brief Due: July 21, 2014**

- C. Plaintiff's Reply Brief (If Any) Due: August 5, 2014**

¹ The proposed briefing schedule departs from the ordinary briefing schedule by three weeks due to Plaintiff's counsel having several briefs due in June.

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 April, 2014.

BY THE COURT:

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

APPROVED:

By: *s/ Joseph A. Whitcomb*
Rocky Mountain Disability Law Group
1391 Speer Blvd., Suite 705
Denver, CO 80204
Telephone: (303) 534-1958
Facsimile: (303) 534-1949
Email: joe@RMDLG.com

Attorneys for Plaintiff

John F. Walsh
United States Attorney

By: *s/ James Burgess*
Special Assistant U.S. Attorney
1961 Stout St., Suite 4169
Denver, CO 80294-4003
Telephone: (303) 844-1856
Facsimile: 303-844-0770
Email: james.burgess@ssa.gov

Attorneys for Defendant