

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03150-AP

LARRY DON MCCUE,

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:

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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 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: November 20, 2013

B. Date Complaint Was Served on U.S. Attorney's Office: December 16, 2013

C. Date Answer and Administrative Record Were Filed: February 7, 2014

4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD

To the best of his 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: | April 11, 2014 |
| B. Defendant's Response Brief Due: | May 12, 2014 |
| C. Plaintiff's Reply Brief (If Any) Due: | May 29, 2014 |

The reason Plaintiff's attorney is asking for additional time is that he is a sole practitioner and has six cases in U.S. District Court, five of which are being briefed in April and May. In addition, he has seven cases set for trial at ODAR in early April, and a highly contested temporary orders hearing regarding child custody case in State District Court set for hearing in early May.

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. (**XX**) **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© 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 18th day of March, 2014.

BY THE COURT:

s/John L. Kane

U.S. DISTRICT COURT JUDGE

JOHN F. WALSH
UNITED STATES ATTORNEY

APPROVED:

s/ Bruce C. Bernstein
Attorney for Plaintiff

J. BENEDICT GARCÍA
Assistant United States Attorney
United States Attorney's Office
District of Colorado

s/ Christina J. Valerio
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