

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-03385-AP

DANNY FERNANDEZ,

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:

RUTH K. IRVIN  
595 Canyon Blvd.  
Boulder, CO 80302  
(303) 543-0337  
rkirvin@irvinlaw.net

For Defendant:

JOHN F. WALSH  
United States Attorney

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

THOMAS H. KRAUS  
Special Assistant United States Attorney  
Social Security Administration, Region VIII  
Office of the General Counsel  
1961 Stout St., Ste. 4169  
Denver, CO 80294-4003  
Telephone: (303) 844-0017  
tom.kraus@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:** 12/16/13
- B. Date Complaint Was Served on U.S. Attorney's Office:** 12/23/13
- C. Date Answer and Administrative Record Were Filed:** 2/20/14

## **4. STATEMENT REGARDING THE ADEQUACY OF THE RECORD**

Plaintiff states: Although Plaintiff's counsel will thoroughly review the Record, the accuracy and completeness of the Administrative Record cannot be ascertained until after Plaintiff's opening brief is finally drafted and filed.

Defendant states: To the best of his knowledge, the record is complete.

## **5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

Plaintiff states: See paragraph four above.

Defendant states: None anticipated.

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

Plaintiff states: This case involves no unusual claims.

Defendant states: This case does not involve unusual claims or defenses.

## **7. OTHER MATTERS**

Plaintiff states: The record appears to be complete, but a final position by Plaintiff cannot be determined until the final draft of his opening brief is filed.

Defendant states: To the best of his knowledge, there are no other matters.

## **8. BRIEFING SCHEDULE**

- A. **Plaintiff's Opening Brief Due:** 4/30/14
- B. **Defendant's Response Brief Due:** 6/4/14
- C. **Plaintiff's Reply Brief (If Any) Due:** 6/18/14

**9. STATEMENTS REGARDING ORAL ARGUMENT**

- A. **Plaintiff's Statement:** Oral Argument is requested only if necessary to clarify any outstanding issues.
- B. **Defendant's Statement:** Oral Argument is not requested.

**10. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE**

- 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. OTHER MATTERS**

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.

**12. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN**

*The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.*

DATED this 12<sup>th</sup> day of March, 2014.

BY THE COURT:

*S/John L. Kane*

U.S. DISTRICT COURT JUDGE

APPROVED:

s/ Ruth K. Irvin  
RUTH K. IRVIN  
595 Canyon Blvd.  
Boulder, CO 80302  
(303) 543-0337  
rkirvin@irvinlaw.net

Attorney for Plaintiff

JOHN F. WALSH  
UNITED STATES ATTORNEY

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

s/ Thomas H. Kraus  
By: THOMAS H. KRAUS  
Special Assistant U.S. Attorney  
Social Security Administration, Region VIII  
Office of the General Counsel  
1961 Stout St., Ste. 4169  
Denver, CO 80294-4003  
Telephone: (303) 844-0017  
tom.kraus@ssa.gov

Attorneys for Defendant