

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:14-cv-0212-AP

DERRICK GAINES,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**JOINT CASE MANAGEMENT PLAN FOR SOCIAL SECURITY CASES**

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**1. APPEARANCES OF COUNSEL AND *PRO SE* PARTIES**

For Plaintiff: Joseph A. Whitcomb  
Rocky Mountain Disability Law Group

For Defendant: John F. Walsh, U.S. Attorney  
J. Benedict Garcia, Assistant U.S. Attorney  
M. Thayne Warner, Special Assistant U.S. Attorney

**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:** 1/27/2014
- B. **Date Complaint Was Served on U.S. Attorney's Office:** 5/16/2014
- C. **Date Answer and Administrative Record Were Filed:** 7/2/2014

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

The administrative record has been filed. The parties believe the record is complete.

**5. STATEMENT REGARDING ADDITIONAL EVIDENCE**

The parties do not anticipate filing any additional evidence.

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

The parties do not believe that this case raises any unusual claims.

**7. OTHER MATTERS**

This case is not on remand from a judicial decision.

**8. BRIEFING SCHEDULE**

- A. Plaintiff's Opening Brief Due: **Thursday, August 21, 2014**
- B. Defendant's Response Brief Due: **Monday, September 22, 2014**
- C. Plaintiff's Reply Brief (If Any) Due: **Tuesday, October 7, 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**

- 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 22<sup>nd</sup> day of July, 2014.

BY THE COURT:

*s/John L. Kane*

U.S. DISTRICT COURT JUDGE

APPROVED:

John F. Walsh  
United States Attorney

J. Benedict Garcia  
Assistant U.S. Attorney  
U.S. Attorney's Office, District of Colorado

/s/ Joseph A. Whitcomb

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Attorney for Plaintiff

/s/ M. Thayne Warner

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