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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Tamra Ann Jolley,
10 Plaintiff,

11 vs.

12 Carolyn W. Colvin,
13 Defendant.
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) No. CV 12-2447-PHX-JAT

) **ORDER**

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16 Plaintiff in this case applied for and was denied social security disability benefits.
17 Plaintiff appealed that denial to this Court. On appeal, Defendant has conceded error and
18 asked this Court to remand to the agency for further findings. Plaintiff argues that remand
19 should be for an immediate award of benefits and not for further findings.

20 The Court has reviewed the motion to remand and the response (the Government did
21 not file a reply). Unfortunately the motion and the response are on completely different
22 topics. Specifically, the motion to remand claims that the Administrative Law Judge (ALJ)
23 erred in several respects regarding Plaintiff's mental limitations. Conversely, the response
24 argues that regardless of the errors the ALJ committed on the mental limitations, the ALJ's
25 errors regarding Plaintiff's physical limitations (as recounted by her treating physicians,
26 herself, and third parties) alone justify a remand for award of benefits. Plaintiff then argues
27 that the ALJ's errors as admitted by Defendant regarding mental limitations do not justify
28 remand for a completely new determination on the physical limitations. Again, Defendant

1 did not file a reply to address any of these arguments.

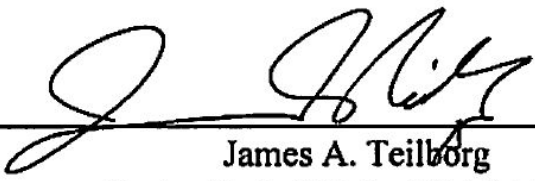
2 Because the parties' briefs are on completely different topics, the Court will require
3 supplemental briefing. First, Defendant will be required to file a reply to address the alleged
4 errors regarding Plaintiff's physical limitations. Second, Plaintiff will be required to file a
5 sur-reply addressing: 1) if the Court agrees that the ALJ committed errors regarding
6 Plaintiff's physical limitations, the appropriate remedy applying the standard set out in
7 *Agnew-Currier v. Astrue*, 875 F.Supp.2d 967 (D. Ariz. 2012); and 2) if the Court affirms the
8 ALJ's findings on the physical limitations, the remedy sought by Plaintiff on the admitted
9 errors with respect to the mental limitations.

10 Accordingly,

11 **IT IS ORDERED** that Defendant shall file a reply within 14 days.

12 **IT IS FURTHER ORDERED** that Plaintiff shall file a sur-reply within 28 days.

13 DATED this 19th day of December, 2013.

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18 James A. Teilborg
19 Senior United States District Judge
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