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9 UNITED STATES DISTRICT COURT  
 10 EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

13 PAMELA J. ORTIZ, )  
 )  
 14 Plaintiff, )  
 )  
 15 v. )  
 )  
 16 MICHAEL J. ASTRUE, )  
 Commissioner of )  
 17 Social Security, )  
 )  
 18 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 2:09-CV-02641-KJN  
 STIPULATION AND ~~PROPOSED~~ ORDER  
 FOR REMAND PURSUANT TO  
 SENTENCE FOUR OF 42 U.S.C. § 405(g),  
 and  
 REQUEST FOR ENTRY OF JUDGMENT IN  
 FAVOR OF PLAINTIFF AND AGAINST  
 DEFENDANT

19  
 20 IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of  
 21 record, that this action be remanded to the Commissioner of Social Security for further administrative  
 22 action pursuant to section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), sentence  
 23 four.

24 On remand, the Appeals Counsel will instruct the Administrative Law Judge (“ALJ”) to take the  
 25 following action:

- 26 1. Further evaluate Plaintiff’s credibility;
- 27 2. Evaluate and explain the weight assigned to the third-party statement of Terrence Watson;
- 28 3. Further evaluate and explain the weight assigned to the opinion of Paul Kaplan, M.D.;

- 1 4. Evaluate and explain the weight assigned to the treatment notes of Charles McCrory, M.D.;
- 2 5. Further evaluate Plaintiff's RFC; and,
- 3 6. Obtain any necessary supplemental vocational expert testimony to clarify the effects of the
- 4 assessed limitations on Plaintiff's occupational base.

5 The parties stipulate that no specific aspect of the ALJ's prior decision is affirmed.

6 The parties further request that the Clerk of the Court be directed to enter a final judgment in

7 favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final decision

8 of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff's right to request

9 Equal Access to Justice Act (EAJA) attorney's fees under 28 U.S.C. § 2412, or costs under 28 U.S.C.

10 § 1920, or to prevent Defendant from opposing any such requests.

11 Respectfully submitted,

12 Dated: August 16, 2010

s/ Bess M. Brewer  
(As authorized by email on August 13, 2010)  
BESS M. BREWER  
Attorney for Plaintiff

14 Date: August 16, 2010

BENJAMIN B. WAGNER  
United States Attorney

16 By s/ Leslie Alexander  
LESLIE ALEXANDER  
Special Assistant U. S. Attorney

18 Attorneys for Defendant

19  
20 ORDER

21 The stipulation of the parties is HEREBY APPROVED. Pursuant that stipulation, the

22 Clerk of Court is directed to enter final judgment in favor of plaintiff and against defendant.

23 IT IS SO ORDERED.

24 DATED: August 16, 2010

25  
26   
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE