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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 EUREKA DIVISION
6

7 LAURIE SUZANNE COLE

No. CV 1:13-CV-03689-NJV

8 Plaintiff,

**ORDER REQUESTING FURTHER
BRIEFING.**

9 v.

10 CAROLYN W. COLVIN, ACTING
11 COMMISSIONER OF SOCIAL SECURITY

12 Defendant
13 _____/

14 **INTRODUCTION**

15 On February 11, 2014 Plaintiff filed her Motion for Summary Judgement. On April 10, 2014
16 Defendant filed her Cross-Motion for Summary Judgment and opposition. Plaintiff filed her reply on
17 April 20, 2014.

18 The Court has reviewed the parties' submissions and requests further briefing regarding the
19 following issues:

- 20 1. Plaintiff attempted several times to supplement the record. Specifically, Plaintiff
21 provided to the Administrative Law Judge ("ALJ") the names and contact information
22 of six doctors she had seen. (AR 285, 286). The AR only includes records from one
23 doctor on that list of six. (AR 313-314). What reasonable efforts did the ALJ or the
24 Social Security Administration ("SSA") take to acquire the medical records of the
25 other five listed doctors?
- 26 2. It appears that Plaintiff was not able to access her electronic records to determine
27 what records she needed to supplement. Plaintiff mentioned this problem to the ALJ.
28 (AR 282). What efforts did the ALJ or SSA take to assist Plaintiff in accessing her
electronic records in her attempt to supplement the record?

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3. If there is no evidence that the ALJ attempted to contact the other physicians Plaintiff listed and/or no evidence that the ALJ assisted Plaintiff in accessing her records, why should the Court not remand this case pursuant to *Brown v. Heckler*, 713 F. 2d 441 (9th Cir. 1983) (remanding case for a new hearing because the ALJ did not fully and fairly develop the record)?

Defendant shall provide a declaration addressing these issues no later than two weeks from the date of this order. Plaintiff may respond one week thereafter.

Dated: June 25, 2014

