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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11  
 12 CAROLINA AITKEN, )  
 )  
 13 Plaintiff, )  
 )  
 14 v. )  
 )  
 15 MICHAEL J. ASTRUE, )  
 Acting Commissioner of )  
 16 Social Security, )  
 )  
 17 Defendant. )  
 \_\_\_\_\_ )

CIVIL NO. 3:08-cv-05716-NJV

18  
 19 **STIPULATION TO REMAND**  
**AND PROPOSED ORDER**

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

22 On remand, the Appeals Counsel will instruct the Administrative Law Judge ("ALJ") to clarify that  
 23 there is no presumption of continuing non-disability from the prior January 6, 2004 hearing decision,  
 24 because the Appeals Council vacated that decision. The ALJ will obtain medical expert testimony to clarify  
 25 the nature and severity of Plaintiff's impairments, including fibromyalgia, re-evaluate the medical and  
 26 opinion evidence, credibility and residual functional capacity for the entire period, and, if needed, obtain  
 27 vocational expert testimony to determine whether Plaintiff can return to her past relevant work and/or a  
 28 significant number of other jobs in the national economy.

1 The parties further request that the Clerk of the Court be directed to enter a final judgment in favor of  
2 plaintiff, and against defendant, Commissioner of Social Security, reversing the final decision of the  
3 Commissioner.

4 Respectfully submitted,

5 Dated: September 2, 2009

/s/ Ken Collins  
(As authorized via email)  
KEN COLLINS

7 Attorney for Plaintiff

8  
9 Dated: September 2, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

10  
11 /s/ Shea Lita Bond  
SHEA LITA BOND  
Special Assistant U.S. Attorney

12  
13 Attorneys for Defendant

14  
15 **ORDER**

16 APPROVED AND SO ORDERED.

17  
18 DATED: 9/9/09

HONORABLE NANDOR J. VADAS  
United States Magistrate Judge