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 14 Commissioner of Social Security

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CHARLENE LEE RITCHIE,)	
18 Plaintiff,)	CIVIL NO. 10-cv-01024-SI
19)	
20 v.)	STIPULATON AND PROPOSED ORDER FOR
21)	REMAND PURSUANT TO SENTENCE FOUR OF
22 MICHAEL J. ASTRUE,)	42 U.S.C. § 405(g), and
23 Commissioner of Social Security,)	REQUEST FOR ENTRY OF JUDGMENT IN
24 Defendant.)	FAVOR OF PLAINTIFF AND AGAINST
25 _____))	DEFENDANT

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

On remand, the Appeals Council will instruct the Administrative Law Judge (“ALJ”) to do the following:

1. Further evaluate Plaintiff’s work at a theater from April 2003 to September 2003, and to provide reasoning to explain why that work should be considered substantial gainful

Stipulation and Proposed Order
 CV-10-1024-SI

1 activity (“SGA”) despite the fact that her wages were below the presumptive SGA amount
2 for 2003;

- 3 2. Further address the lay witness testimony;
- 4 3. Further consider the opinions of the treating and examining physicians, including Janet
5 Cain, Ph.D., in compliance with 20 C.F.R. § 404.1527 and 20 C.F.R. § 416.927; and
6 4. Offer Plaintiff the right to attend a supplemental hearing and to submit additional
7 evidence.

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

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10 Following remand proceedings, the ALJ will issue a *de novo* decision.

11 The parties further request that the Clerk of the Court be directed to enter a final judgment
12 in favor of Plaintiff, and against Defendant, Commissioner of Social Security, reversing the final
13 decision of the Commissioner. Nothing in this proposed order shall be taken to affect Plaintiff’s
14 right to request Equal Access to Justice Act (EAJA) attorney’s fees under 28 U.S.C. § 2412, or
15 costs under 28 U.S.C. § 1920, or to prevent Defendant from opposing any such requests.

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17 Dated: October 18, 2010

Respectfully submitted,
MELINDA L. HAAG
United States Attorney

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

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22 Attorneys for Defendant

23 Dated: October 18, 2010

By /s/ David J. Linden
[authorized via electronic mail on 10/18/10]
DAVID J. LINDEN
Attorney for Plaintiff

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ORDER

APPROVED AND SO ORDERED:



DATED _____

SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE