

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GOLDINE L. FOSTER,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

CASE NO. 13-10813

SENIOR UNITED STATES DISTRICT JUDGE  
ARTHUR J. TARNOW

MAGISTRATE JUDGE R. STEVEN WHALEN

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [20], GRANTING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT [14], DENYING DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT [18], AND REMANDING THE MATTER FOR  
FURTHER PROCEEDINGS**

Before the Court is the Magistrate Judge's Report and Recommendation [20], entered on February 28, 2014, recommending that Plaintiff's Motion for Summary Judgment [14] be GRANTED, and that Defendant's Motion for Summary Judgment [18] be DENIED.

No objection to the Report and Recommendation [20] was filed. The Court has reviewed the record in this case.

A motion for summary judgment is granted under Fed. R. Civ. P. 5(c) when there is no genuine issue as to any material fact, and the moving party is entitled to judgment as a matter of law. Summary judgment is also proper where the moving party shows that the non-moving party is unable to meet its burden of proof. *Celotex*

*Corp. v. Catrett*, 477 U.S. 317, 326 (1987). Facts and inferences must be viewed in the light most favorable to the non-moving party. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). However, the non-moving party must present “specific facts showing that there is a genuine issue for trial” that demonstrate that there is more than “some metaphysical doubt as to the material facts.” *Moore v. Philip Morris Cos., Inc.*, 8 F.3d 335, 339-40 (6th Cir. 1993) (internal citations omitted).

The Report and Recommendation [20] of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

Accordingly,

**IT IS ORDERED** that Plaintiff’s Motion for Summary Judgment [14] is now **GRANTED**.

**IT IS FURTHER ORDERED** that Defendant’s Motion for Summary Judgment [18] is **DENIED**.

**IT IS FURTHER ORDERED** that the matter is **REMANDED** for further proceedings in accordance with the Report and Recommendation [20].

**SO ORDERED.**

s/Arthur J. Tarnow  
ARTHUR J. TARNOW  
SENIOR UNITED STATES DISTRICT JUDGE

Dated: March 25, 2014