

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Lita Marie Bertuzzi,

Plaintiff,

Case No. 15-cv-11623

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge Anthony P. Patti

Defendant.

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**OPINION AND ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION [19], GRANTING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [14],  
DENYING THE SOCIAL SECURITY COMMISSIONER'S  
MOTION FOR SUMMARY JUDGMENT [17], AND REMANDING  
FOR FURTHER PROCEEDINGS**

This is a Social Security appeal. Before the Court is Magistrate Judge Patti's Report and Recommendation (Dkt. 19) recommending the Court grant plaintiff's motion for summary judgment (Dkt. 14) and deny defendant's motion for summary judgment. (Dkt. 17.) The parties were required to file specific written objections, if any, within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No

objections were filed. Accordingly, and on review of the Report and Recommendation,

The Report and Recommendation (Dkt. 19) is adopted in full. Plaintiff's motion for summary judgment (Dkt. 14) is GRANTED. Defendant's motion for summary judgment (Dkt. 17) is DENIED. The case is remanded to the Administrative Law Judge for further proceedings consistent with the Report and Recommendation.<sup>1</sup>

IT IS SO ORDERED.

Dated: September 7, 2016  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 7, 2016.

s/Felicia M. Moses  
FELICIA M. MOSES  
Case Manager

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<sup>1</sup> The parties, by failing to object to the Report and Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).