

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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HERBERT A. THESING,

Civil No. 13-1079 (JRT/JSM)

Plaintiff,

v.

**ORDER ON REPORT  
AND RECOMMENDATION**

CAROLYN W. COLVIN,

Defendant.

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Karl E Osterhout, **OSTERHOUT DISABILITY LAW LLC**, 521 Cedar Way, Suite 200, Oakmont, PA 15139, Edward C Olson, **ATTORNEY AT LAW**, 331 Second Avenue South, Suite 420, Minneapolis, MN 55401 plaintiff,

Ann M Bildtsen, Assitant United States Attorney, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415

The above matter came before the Court on the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated July 24, 2014. No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendations of the Magistrate Judge and upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Summary Judgment [Docket No. 13] is **GRANTED**;

2. Defendant's Motion for Summary Judgment [Docket No. 15] is **DENIED**;
3. This matter is remanded for further adjudication consistent with the Magistrate Judge's Report and Recommendation.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: August 8, 2014  
at Minneapolis, Minnesota

s/John R. Tunhiem  
JOHN R. TUNHEIM  
United States District Judge