

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK J. KANE, JR.	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 16-5074
NANCY A. BERRYHILL,	:	
Acting Commissioner of Social Security	:	

**ORDER**

AND NOW, this 17<sup>th</sup> day of July 2017, upon consideration of the motion for summary judgment by plaintiff Patrick J. Kane, Dkt. No. 10, the Commissioner of Social Security's response, Dkt. Nos. 11–12 the report and recommendation of Chief United States Magistrate Judge Linda K. Caracappa, Dkt. No. 14, plaintiff's objections, Dkt. No. 17, and defendant's response, Dkt. No. 19, it is ORDERED as follows:

1. The Report and Recommendation is ADOPTED IN PART and Plaintiff's objection is OVERRULED with respect to the conclusion that the ALJ's rejection of Dr. Harris A. Ross's opinion was supported by substantial evidence.
2. Plaintiff's objection to the ALJ's rejection of Dr. Harry Orenstein's mental status examination is SUSTAINED and the Court therefore DECLINES TO ADOPT the Report and Recommendation with respect to that conclusion;
2. The final decision of the Commissioner denying disability benefits to plaintiff is VACATED; and
3. The matter is REMANDED to the Commissioner for further proceedings consistent with the accompanying Memorandum

/s/ Thomas N. O'Neill, Jr.  
THOMAS N. O'NEILL, JR., J.