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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ROBERT TODD APPLGATE,

 Plaintiff,

 vs.

COMMISSIONER OF SOCIAL

SECURITY

 Defendant.

No. 4:16-CV-05059-FVS

ORDER ADOPTING REPORT AND
RECOMMENDATION TO GRANT
PLAINTIFF’S MOTION FOR
SUMMARY JUDGMENT AND
DENY DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT

BEFORE THE COURT is the Report and Recommendation issued by Magistrate Judge Mary K. Dimke on August 14, 2017, ECF No. 20, recommending Plaintiff’s Motion for Summary Judgment, ECF No. 13, be granted and Defendant’s Motion for Summary Judgment, ECF No. 16, be denied. No objection was filed. After review, the Court hereby adopts the Report and Recommendation in its entirety. Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation, **ECF No. 20**, is **ADOPTED** in its entirety.

1 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
2 **GRANTED.**

3 3. Defendant's Motion for Summary Judgment, **ECF No. 16**, is
4 **DENIED.**

5 4. An application for attorney fees may be filed by separate motion.

6 The District Court Executive is directed to file this Order and forward copies
7 to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED.**

8 DATED August 30, 2017.

9 s/Fred Van Sickle
10 Fred Van Sickle
 Senior United States District Judge

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