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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 CAROL GESCHKE,

8 Plaintiff,

9 v.

10 SOCIAL SECURITY ADMINISTRATION,

11 Defendant.

Case No. C13-1069 MJP-BAT

**ORDER ADOPTING REPORT
AND RECOMMENDATION AND
REFERRING MATTER BACK TO
THE MAGISTRATE JUDGE**

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13 The Court, after careful consideration of the plaintiff's complaint, the Commissioner's
14 motion to dismiss, the Report and Recommendation of the Honorable Brian A. Tsuchida, United
15 States Magistrate Judge, the balance of the record, and noting no objections were filed, does
16 hereby find and **ORDER:**

- 17 (1) The Court adopts the Report and Recommendation.
- 18 (2) The Commissioner's motion to dismiss is **GRANTED** in part and **DENIED** in
19 part. As explained in the Report and Recommendation, all claims and
20 allegations contained in the following paragraphs of the complaint are
21 **DISMISSED** or **STRIKEN**: 1.10-1.58, 1.61-1.93, 1.96-1.116, 1.118-1.130,
22 1.132-1.135, 1.137-1.138, 1.141-1.159, 1.162-1.163, 2.3, 2.6-2.8, 2.10, 2.17, 3.1-
23 3.10, 4.1-4.7, 5.1-5.5, 6.9-6.10, 7.1-7.48, and 8.1-8.7.

1 (3) The only claims and allegations that survive the Commissioner's motion to
2 dismiss are those contained in the following paragraphs of the complaint: 1.1-
3 1.9, 1.59-1.60, 1.94-1.95, 1.131, 1.136, 1.139-1.140, 1.160-1.161, 2.1-2.2, 2.4-
4 2.5, 2.9, 2.11-2.16, 2.18-2.21, and 6.1-6.8.

5 (4) The Commissioner shall file a responsive pleading by the deadline set forth in
6 the Federal Rules of Civil Procedure.

7 (5) The matter is referred back to the Judge Tsuchida for resolution of the plaintiff's
8 remaining claims.

9 (6) The Clerk is directed to send copies of this Order to the parties and to Judge
10 Tsuchida.

11 DATED this 17th day of December, 2013.

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14 Marsha J. Pechman
15 Chief United States District Judge