

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 JOSHUA TODD KANE,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL,<sup>1</sup>

13 Defendant.

CASE NO. C16-1624-JCC-JPD

ORDER

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15 This matter comes before the Court on the parties' stipulated motion for remand (Dkt.  
16 No. 16). Having thoroughly considered the parties' stipulation, the Court hereby GRANTS the  
17 motion.

18 It is hereby ORDERED that the Commissioner's decision in regard to Plaintiff's  
19 applications for disability insurance benefits under Title II of the Social Security Act be  
20 REVERSED and REMANDED to the Commissioner of Social Security for further  
21 administrative proceedings before an administrative law judge (ALJ), a new hearing, and a new  
22 decision. On remand, the ALJ will update the record as necessary; reevaluate the medical  
23 opinion evidence; reassess Plaintiff's residual functional capacity; and continue with the

24  
25 <sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal  
26 Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as  
the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of  
section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 remaining steps of the sequential evaluation, obtaining supplemental vocational expert  
2 testimony, as necessary.

3 The Court hereby REVERSES the Commissioner's decision under sentence four of 42  
4 U.S.C. § 405(g) with a REMAND of the cause to the Commissioner for further proceedings.  
5 Plaintiff may be awarded reasonable attorney fees and costs pursuant to the Equal Access to  
6 Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

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8 DATED this 30th day of March, 2017.

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10 A handwritten signature in black ink, reading "John C. Coughenour". The signature is written in a cursive style and is positioned above a horizontal line.

11  
12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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