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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 MARIA DEL RIO LOW,

8 Plaintiff,

Case No. C17-394 JCC

9 v.

MINUTE ORDER

10 NANCY A. BERRYHILL, Deputy
11 Commissioner of Social Security for Operations,

12 Defendant.

13 The following Minute Order is made by direction of the Court, the Honorable John C.
14 Coughenour, United States District Judge:

15 This matter comes before the Court on Plaintiff's opening brief (Dkt. 13) as well as her
16 reply brief (Dkt. 21). In light of the issues raised by Plaintiff's briefing, Defendant is
17 DIRECTED to file a supplemental brief on or before April 18, 2018, not to exceed eight pages in
18 length, addressing the following issues:

- 19 (1) The constitutionality of 20 C.F.R. § 404.640. *See Weinberger v. Salfi*, 422 U.S.
20 749, 762 (1975) ("the Social Security Act itself provides jurisdiction for
21 constitutional challenges to its provisions").
- 22 (2) Whether, at age 66 with no previous application for benefits, Plaintiff would have
23 been entitled to a spousal benefit either because it would have exceeded her

1 primary insurance amount or because Plaintiff was entitled to choose to receive a
2 lower spousal benefit, and whether this issue requires remand to determine.

3 Plaintiff may file a response to Defendant's supplemental brief on or before May 2, 2018,
4 not to exceed six pages in length.

5 DATED this 28th day of March, 2018.

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7 William M. McCool
8 Clerk of Court

9 s/Tomas Hernandez
10 Deputy Clerk
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