IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

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BRYAN HOPKINS,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Defendant.

OPINION AND ORDER

12-cv-387-bbc

- -

Plaintiff Bryan Hopkins is seeking review of a decision denying his claim for disability benefits under the Social Security Act. 42 U.S.C. § 405(g). The administrative law judge concluded that plaintiff could not perform his past work as a driver because of his fibromyalgia, diabetes, gout and cheiroarthropathy, but that he was not disabled because he still could perform work as a security monitor or personal aide. Plaintiff says that the administrative law judge erred because he failed to consider a recent statement from plaintiff's treating physician, failed to properly assess plaintiff's credibility, relied too heavily on the opinions of the state agency physicians and made an incorrect determination about plaintiff's residual functional capacity. Because I agree with plaintiff that the administrative law judge's credibility determination is not supported by the evidence and he should have considered the statement from plaintiff's treating physician, I am reversing the decision and remanding for further proceedings.

The following facts are drawn from the administrative record (AR). I will discuss additional facts as they become relevant to the discussion.

BACKGROUND

For 35 years plaintiff Bryan Hopkins worked as a sales route driver. Beginning in 2008, his treating physicians diagnosed a number of conditions, including gouty arthropathy (September 2008), diabetes mellitus type II (January 2009), anxiety (November 2009), dysthmic disorder (November 2009) and fibromyalgia (January 2010). AR 244. In November 2009 plaintiff began to complain of hand pain, AR 249; in January 2010 he said he had pain all over his body, was forgetful and had difficulty completing sentences. AR 244.

On June 15, 2010, plaintiff filed an application for disability insurance benefits, claiming that he had been disabled since April 23, 2010. AR 17. On January 4, 2012, plaintiff received a hearing before Administrative Law Judge Brent C. Bedwell. He was represented by a lawyer, Anne Hartwig. At the hearing, plaintiff amended his onset date to January 1, 2012. He was 52 years old at the time. His testimony included the following:

- the medications he is taking for his conditions give him "some relief" so that he "can get out of bed," AR 65;
- he tries to use an exercise bike for 15 minutes a day "to keep [his] blood sugar down," AR 66;
- pain in his shoulders and hands makes it difficult for him to dress himself or tie his shoes, AR 66-67;
- he cannot shower without assistance from his wife because he does not have

the strength to prevent himself from falling and water hitting his back is painful when his fibromyalgia is flaring up, AR 68;

- his hands feel like "there's a nail jabbed through . . . the thumb area and through [his] fingers," AR 68;
- it hurts to hold a coffee cup or to write with a pen, AR 68;
- he can sit for about 20 minutes before he needs to get up to move around; when he's driving he will stop every 15 minutes to get out, AR 69;
- he can walk about 20 feet without stopping; he cannot walk a block without stopping, AR 70;
- he has difficulty lifting an empty pot or a gallon of milk, AR 71;
- he rarely uses a computer because it hurts to hold the mouse, AR 73;
- he noticed an "extremely large" change for the worse in his condition in 2011 in terms of stiffness, soreness and his hand function, AR 76.

On January 24, 2012, the administrative law judge denied plaintiff's claim. In his decision he found that plaintiff had severe impairments in the form of cheiroarthropathy, gout, diabetes and fibromyalgia, but that plaintiff's dysthymic disorder and anxiety had no more than a minimal effect on his ability to work. AR 19-20. The administrative law judge concluded that none of the impairments qualified as automatically disabling under 20 C.F.R. § 404.1520(d), so he went on to consider whether evidence showed that plaintiff was unable to perform his past work or any work in the national economy. AR 20-21.

In determining plaintiff's ability to work, the administrative law judge reviewed the medical records, the opinions of plaintiff's treating physicians (David Johnson and Thomas McCoy), the opinions of two state agency medical consultants (Pat Chan and Syd Foster) and plaintiff's testimony. With respect to the medical records, the administrative law judge

concluded the following:

- plaintiff was able to control his diabetes without medication;

- a consultative examination in February 2011 by Dr. McCoy resulted in diagnoses of fibromyalgia, gout, hand and foot pain and diffusely painful skin, but McCoy also found that plaintiff "demonstrated good ability to grasp and perform fine finger manipulation" and had a good range of upper body motion;

- a functional capacity examination in December 2011 showed that plaintiff could not perform sedentary work, but the administrative law judge chose to give the finding little weight because the physical therapist found that plaintiff "exhibited pain related self limiting behavior on an abnormal number of functional tests"; therefore the test represented the minimum of the plaintiff's functional ability rather than the maximum.

AR 21.

With respect to the medical opinions of the treating physicians, the administrative law judge noted that Dr. Johnson had concluded in October 2010 that plaintiff could perform light work with no climbing and only occasional bending, squatting or overhead reaching and that Dr. McCoy had concluded in February 2011 that plaintiff had a good range of upper body motion and a good ability to grasp and perform fine finger manipulation. With the respect to the state agency doctors, the administrative law judge noted that Dr. Chan concluded in October 2010 that plaintiff could perform light work and Dr. Foster came to the same conclusion in April 2011. The administrative law judge gave these opinions "some weight" because they were "generally reasonable," but acknowledged that neither consultant "had the benefit of the evidence received at the hearing level" or had considered plaintiff's condition as of the amended onset date of January 2012. AR 22-23.

The administrative law judge found that plaintiff's testimony was not "fully credible"

for several reasons: (1) plaintiff continued to engage in "a variety of daily activities" such as maintaining his personal hygiene, helping his wife with household tasks, driving and using his exercise bike; (2) plaintiff had been attempting to find a job "throughout the relevant period"; (3) plaintiff "has not had a great deal of medical care"; and (4) "[h]is examination in October 2011 was essentially within normal limits, with his diabetes controlled." AR 22.

The administrative law judge concluded that plaintiff had the residual functional capacity to perform unskilled light work so long as it allowed for "a sit/stand option" and involved only occasional bilateral reaching, grasping, fingering, stopping, crouching, kneeling, crawling or climbing of ramps or stairs and involved no climbing of ropes, ladders or scaffolds. In light of this residual functional capacity, the administrative law judge concluded that plaintiff could not perform his past relevant work as a driver, but he relied on the testimony of a vocational expert to find that plaintiff could perform jobs as a "security monitor/guard" and "personal aide/companion."

On April 3, 2012, the Appeals Council declined to review the case. AR 3.

OPINION

A. Standard of Review

The standard by which a federal court reviews a final decision by the commissioner is well settled: the commissioner's findings of fact are "conclusive" so long as they are supported by "substantial evidence." 42 U.S.C. § 405(g). Substantial evidence means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."

Richardson v. Perales, 402 U .S. 389, 401 (1971). The decision cannot stand if it lacks evidentiary support or "is so poorly articulated as to prevent meaningful review." Steele v. Barnhart, 290 F.3d 936, 940 (7th Cir. 2002). When the administrative law judge denies benefits, he must build a logical and accurate bridge from the evidence to his conclusion. Zurawski v. Halter, 245 F.3d 881, 887 (7th Cir. 2001).

B. Credibility Determination

Generally, an administrative law judge's determinations regarding credibility are entitled to deference because that judge has the ability to see and hear the testimony, but that deference does not excuse the administrative law judge from explaining the reasons for his determination. Castile v. Astrue, 617 F.3d 923, 929 (7th Cir. 2010). The general requirement to build an "accurate and logical bridge" between the evidence and the decision still applies. Id.

Unfortunately, the administrative law judge's credibility assessment is a collection of many of the most common problems the Court of Appeals for the Seventh Circuit has identified in Social Security decisions. The first problem is the administrative law judge's use of some much-maligned boilerplate: "the claimant's statements concerning the intensity, persistence and limiting effect of [his] symptoms are not entirely credible to the extent they are inconsistent with the above residual functional capacity assessment." AR 22. As plaintiff argues and the commissioner acknowledges, the Court of Appeals for the Seventh Circuit has criticized this language in multiple published opinions as "meaningless" because it

"backwardly implies that the ability to work is determined first and is then used to determine the claimant's credibility." Shauger v. Astrue, 675 F.3d 690, 696 (7th Cir. 2012) (internal quotations omitted), and because it " fail[s] to indicate which statements are not credible and what exactly 'not entirely' is meant to signify." Spiva v. Astrue, 628 F.3d 346, 348 (7th Cir. 2010). See also Roddy v. Astrue, No. 12-1682, 2013 WL 197924, *4 (7th Cir. Jan. 18, 2013) (court "has consistently criticized" this "boilerplate"); Bjornson v. Astrue, 671 F.3d 640, 645–46 (7th Cir. 2012) ("[T]he boilerplate implies that the determination of credibility is deferred until ability to work is assessed without regard to credibility, even though it often can't be"); id. at 646 (directing Social Security Administration to "take a close look at the utility and intelligibility of its 'templates'"); Parker v. Astrue, 597 F.3d 920 (7th Cir. 2010) (language is "meaningless boilerplate" because "statement by a trier of fact that a witness's testimony is 'not entirely credible' yields no clue to what weight the trier of fact gave the testimony").

Why do administrative law judges continue to insert this language into their decisions despite being admonished repeatedly not to do so by the court of appeals? The administrative law judge issued his decision in this case on January 24, 2012, almost two years after Parker and Spiva were decided. Although I am "mindful of the difficulties that the Social Security Administration's administrative law judges labor under," Martinez v. Astrue, 630 F.3d 693, 695 (7th Cir. 2011), it will save no time or resources in the long run if administrative law judges must reconsider cases because they are unfamiliar with controlling case law. If the U.S. Attorney's Office has not already done so, it should make

an effort to insure that the appropriate officials in the Social Security Administration are aware of this and other major holdings of the court of appeals regarding recurring problems in Social Security decisions.

In this case, the administrative law judge did not rely just on the boilerplate, but gave specific reasons for concluding that plaintiff was not "fully credible." Unfortunately, however, the administrative law judge did not build an accurate and logical bridge between the evidence and any of these reasons.

First, the administrative law judge noted that plaintiff continued to engage in "a variety of daily activities" such as maintaining his personal hygiene, helping his wife with household tasks, driving and using his exercise bike. However, this reliance on "daily activities" is another common practice of which the court of appeals has been critical. Roddy, 2013 WL 197924, at *7 ("We have repeatedly cautioned that a person's ability to perform daily activities, especially if that can be done only with significant limitations, does not necessarily translate into an ability to work full-time."). In Bjornson, 671 F.3d at 647, the court explained the problem: "The critical differences between activities of daily living and activities in a full-time job are that a person has more flexibility in scheduling the former than the latter, can get help from other persons and is not held to a minimum standard of performance, as she would be by an employer." The court added that "[t]he failure to recognize these differences is a recurrent, and deplorable, feature of opinions by administrative law judges in social security disability cases." Id. (citing Punzio v. Astrue, 630 F.3d 704, 712 (7th Cir. 2011); Spiva, 628 F.3d at 351–52; Gentle v. Barnhart, 430 F.3d

865, 867–68 (7th Cir. 2005); Draper v. Barnhart, 425 F.3d 1127, 1131 (8th Cir. 2005); Kelley v. Callahan, 133 F.3d 583, 588–89 (8th Cir. 1998); Smolen v. Chater, 80 F.3d 1273, 1284 n. 7 (9th Cir. 1996)).

In any event, the evidence regarding plaintiff's daily activities does not support the administrative law judge's finding. Plaintiff testified at the hearing that he had great difficulty engaging in all of the activities listed by the administrative law judge and either needed frequent breaks or assistance from his wife to accomplish the tasks. AR 66-69. The administrative law judge did not cite any evidence contradicting plaintiff's testimony.

Second, the administrative law judge stated that plaintiff's disability claim was undermined because he had been attempting to find a job "throughout the relevant period." It is not clear what the administrative law judge meant by "the relevant period" because plaintiff's alleged onset date was January 1, 2012, only three days before the hearing, and the administrative law judge did not cite any evidence that plaintiff was looking for work at that time.

Further, a plaintiff's job search is not necessarily evidence that he is not disabled. Although the court of appeals has stated that a plaintiff's "continued employment" may be a relevant factor in assessing his credibility, Castile v. Astrue, 617 F.3d 923, 927-28 (7th Cir. 2010), the court has said as well that "a desperate person might force himself to work despite an illness that everyone agreed was totally disabling." Hawkins v. First Union Corporation Long-Term Disability Plan, 326 F.3d 914, 918 (7th Cir. 2003). See also Roddy, 2013 WL 197924, at *6 ("The fact that Roddy pushed herself to work part-time and maintain some

minimal level of financial stability, despite her pain, does not preclude her from establishing that she was disabled."); Gentle, 430 F.3d at 867 ("A person can be totally disabled for purposes of entitlement to social security benefits even if, because of an indulgent employer or circumstances of desperation, he is in fact working."). That may have been plaintiff's situation in this case. He testified at the hearing that he relied entirely on the income of his wife, AR 60, who works part time at a grocery store. AR 377. The administrative law judge did not explore the possibility at the hearing that plaintiff's efforts to find work might be desperate efforts to find a source of income rather than evidence that he was capable of working.

In any event, I agree with plaintiff that his job search does not provide a reasonable basis for questioning his credibility. The record shows that he was hired for two jobs since he first applied for benefits in 2010, but lost both of them in less than a month because he was physically unable to do the work. AR 379-80. (Plaintiff says in his opening brief that he lost three jobs after filing for disability benefits, but he does not dispute the commissioner's assertion that the record shows only two examples.) The commissioner says that plaintiff should have been applying for less demanding jobs, but this misses the point. Plaintiff did not ask the administrative law judge to find him disabled because he had been terminated from his jobs; the administrative law judge used plaintiff's job search against him as affirmative evidence that plaintiff was not "fully credible." Although plaintiff's inability to keep two jobs does not prove that he is unable to work full time at any job, it certainly does not prove that he can perform some other kind of gainful employment.

Third, the administrative law judge stated without elaboration that plaintiff "has not had a great deal of medical care." AR 22. Plaintiff assumes in his briefs that the administrative law judge was referring to gaps in time in which plaintiff was not seen by a doctor. The commissioner does not address this issue at all. I agree with plaintiff that the administrative law judge again ran afoul of controlling circuit law.

"Although a history of sporadic treatment or the failure to follow a treatment plan can undermine a claimant's credibility, an ALJ must first explore the claimant's reasons for the lack of medical care before drawing a negative inference." Shauger, 675 F.3d at 696-97. In this case the administrative law judge failed to consider other possibilities, such as whether the record includes evidence that plaintiff was limiting his treatment because he could not afford it. E.g., AR 184, 210. Because "the agency has expressly endorsed the inability to pay as an explanation excusing a claimant's failure to seek treatment," Roddy, 2013 WL 197924, at *7 (citing SSR 96–7p at *8), the administrative law judge should have considered this issue.

Finally, the administrative law judge stated that plaintiff's "examination in October 2011 was essentially within normal limits, with his diabetes controlled." AR 22. In support, the administrative law judge cited a nearly illegible treatment note. AR 413. However, even if I assume that the note shows that plaintiff's diabetes was under control, it is not clear why the note would undermine plaintiff's credibility. Plaintiff has admitted that he does not take insulin for his diabetes and he has never claimed that diabetes was the source of his disabling pain. AR 66. Rather, his focus has been on the physical limitations imposed by other

impairments.

The commissioner points to other evidence in the record that he believes undermines plaintiff's credibility, but the administrative law judge did not consider this evidence, so neither can I. Larson v. Astrue, 615 F.3d 744, 749 (7th Cir. 2010). Further, the commissioner does not develop an argument that the administrative law judge's error was harmless under the appropriate standard. McKinzey v. Astrue, 641 F.3d 884, 892 (7th Cir. 2011) ("[T]he harmless error standard is not . . .an exercise in rationalizing the ALJ's decision and substituting our own hypothetical explanations for the ALJ's inadequate articulation. . . . The question . . . is [whether we can] say with great confidence what the ALJ would do on remand."). Accordingly, I must remand the case for a new credibility determination.

C. Failure to Consider Treating Physician's Opinion

After plaintiff's hearing on January 4, 2012, but before the administrative law judge issued his decision on January 24, plaintiff submitted new evidence in the form of answers to a questionnaire prepared by Dr. Johnson. AR 30-46. In his decision, the administrative law judge did not discuss Dr. Johnson's questionnaire.

The commissioner defends the administrative law judge's silence on two grounds. First, he says that the questionnaire was untimely because plaintiff submitted it after the hearing. Although this argument makes some sense, it is not supported by the law. In McClesky v. Astrue, 606 F.3d 351, 354 (7th Cir. 2010), the court reviewed the relevant

regulations and concluded that "there is no basis for the . . . argument that the post-hearing evidence was inadmissible." Rather, "[t]he implication [in the social security regulations] is that evidence can be submitted up to the date an ALJ decision is issued." Id. (internal quotations omitted). Because plaintiff submitted the new evidence before the administrative law judge issued his decision, the commissioner cannot argue that the evidence was untimely. In any event, the administrative law judge did not reject the doctor's questionnaire on timeliness grounds but simply ignored it. I see no reason to reject evidence on a ground that the administrative law judge declined to cite.

Alternatively, the commissioner says that there was no reason for the administrative law judge to consider the doctor's questionnaire because "most if not all of the opinions" in it come from the physical therapist's evaluation. Dft.'s Br., dkt. #15, at 13. That argument is speculation. Although Dr. Johnson refers the reader to the physical therapist's evaluation in answering some of the questions, he says nothing about that evaluation in answering many other questions.

"An ALJ must consider all medical opinions in the record," particularly opinions from the treating physicians. Roddy, 2013 WL 197924, at *4-5. Plaintiff says that the questionnaire is important because Dr. Johnson gave several new opinions suggesting that plaintiff was becoming more impaired over time. For example, Johnson's opinion in December 2009 was that plaintiff could perform "medium work," AR 313, and in October 2010, his opinion was that plaintiff could perform "light work." AR 318. However, in the December 2011 questionnaire, Johnson stated that plaintiff's symptoms would interfere with

his attention and concentration "frequently," that plaintiff has a "marked limitation" in his ability to deal with work stress, that plaintiff likely would be absent from work "about twice a month" because of his impairments and that plaintiff was not a malingerer. AR 31-34. Although Dr. Johnson's opinions are not as probative as they would be if he had explained his reasons for them, I conclude that they are significant enough to be addressed by the administrative law judge on remand.

D. Other Objections

Plaintiffs raise several other objections, but each of them is undeveloped and most of them are foreclosed by circuit law, though neither side cited the relevant cases. With respect to the state agency physicians, plaintiff raises a number of issues in the course of one paragraph. He says that the opinions of state agency doctors' are "no better than the records they review," Plt.'s Br., dkt. #9, at 25, but he does not raise any specific objections to any of the records. He says that the administrative law judge "did not establish that [the state agency doctors] were experts in fact as required by SSR 96-6p," id., but plaintiff does not identify any part of that ruling that includes such a requirement. Rather, SSR 96-6p requires administrative law judges to treat "[f]indings of fact made by State agency medical and psychological consultants . . . as expert opinion evidence." Plaintiff does not identify any reason to doubt the expertise of the agency consultants in this case. Like Dr. Johnson, one is a medical doctor and, like Dr. McCoy, one is a doctor of osteopathic medicine. AR 289, 351.

Plaintiff cites Whitney v. Schweiker, 695 F.2d 784, 789 (7th Cir. 1982), and Allen v. Weinberger, 552 F.2d 781, 786 (7th Cir. 1977), for the proposition that a record review is "hardly a basis for competent evaluation," but the court did not hold in either of these cases that the administrative law judge could not rely on the opinions of state agency consultants, which would be inconsistent with SSR 96-6p. Rather, the court's point was that the administrative law judge must keep in mind that a record review is not as informative as an in-person examination. Thus, to the extent plaintiff means to argue that the administrative law judge should reconsider the weight to give the state agency doctors' opinions in light of Dr. Johnson's December 2011 opinion, I agree with this for the reasons discussed above.

With respect to the administrative law judge's residual functional capacity assessment, plaintiff repeats a number of arguments from previous discussions that I need not consider again. In addition, plaintiff says that the administrative law judge concluded incorrectly that plaintiff was able to sustain full time work, but it is not clear what plaintiff's specific objection is. He says that the administrative law judge's finding was contrary to the evidence, but the only evidence he cites is his "failed work attempts." Plt.'s Br., dkt. #9, at 26. In this context, I agree with the commissioner that the jobs plaintiff lost are not probative without a corresponding showing that they were similar to the jobs the vocational expert found that plaintiff could perform.

Next, plaintiff says that the administrative law judge "did not explain the maximum amount that the Plaintiff could sit, the maximum amount he could stand at one time, and

in a workday, and the maximum frequency the sitting and standing would repeat, if ever." Plt.'s Br., dkt. #9, at 27. Plaintiff cites Peterson v. Chater, 96 F.3d 1015 (7th Cir. 1996), as requiring reversal on this issue, but that case is not instructive. In Peterson, the administrative law judge found that the plaintiff could perform light work and sedentary work but that he was not capable of "prolonged sitting, standing and walking." Id. at 1016. This was a conflict because sedentary work may include prolonged sitting and light work may include prolonged standing. Id.

In this case, however, the administrative law judge did not say simply that plaintiff could perform "light work" or "sedentary work," but included a requirement for a "sit/stand option." In that situation, it is unnecessary to give the details plaintiff is requesting because a "sit/stand option" means that the plaintiff may change positions as needed, Dixon v. Massanari, 270 F.3d 1171, 1178 (7th Cir. 2001); Powers v. Apfel, 207 F.3d 431, 434 (7th Cir. 2000), which "allows an employee broad flexibility and thus has a more restrictive effect on the jobs available . . . than the limitation [plaintiff] thinks the ALJ should have described." Ketelboeter v. Astrue, 550 F.3d 620, 626 (7th Cir. 2008).

Finally, plaintiff says that the administrative law judge's residual functional capacity assessment was inconsistent with the Dictionary of Occupational Titles because the dictionary's definition of "light work" does not include a "sit/stand option." However, plaintiff cites no authority for the proposition that an administrative law judge may not make modifications to these definitions to account for a particular plaintiff's circumstances. In fact, a "sit/stand option" is a common limitation imposed by administrative law judges

that the court of appeals has noted without question in several cases. E.g., Shideler v. Astrue, 688 F.3d 306, 309 (7th Cir. 2012); Schmidt v. Astrue, 496 F.3d 833, 840 (7th Cir. 2007); White v. Barnhart, 415 F.3d 654, 657 (7th Cir. 2005). Plaintiff relies on Overman v. Astrue, 546 F.3d 456, 462 (7th Cir. 2008), and Prochaska v. Barnhart, 454 F.3d 731, 736 (7th Cir. 2006), but both of those cases involved conflicts between the dictionary's description of a particular job and the vocational expert's testimony that a plaintiff could perform that job. In this case, plaintiff does not argue that a person with the limitations described by the administrative law judge would be unable to perform the jobs of security monitor/guard or personal aide/companion, so I do not consider that question.

In one sentence in the last paragraph of his opening brief, plaintiff says that he must be found disabled under Rule 201.12 of the Medical Vocational Guidelines under 20 C.F.R. Appendix 2 of Subpart P unless the administrative law judge finds that he is able to perform the full range of light work. That is incorrect. The guideline plaintiff cites relates to individuals whose "work capability [is] limited to sedentary work." In Haynes v. Barnhart, 416 F.3d 621, 627-29 (7th Cir. 2005), the court rejected the argument that, if an individual "cannot perform the full range of light work, he necessarily 'falls squarely' within the sedentary classification." Further, "when a claimant does not precisely match the criteria set forth in the grids [vocational guidelines], the grids are not mandated." Id. In this case, the administrative law judge did what he was supposed to do by seeking the assistance of a vocational expert. Books v. Chater, 91 F.3d 972, 980-81 (7th Cir. 1996) (because plaintiff could perform full range of light work tasks subject to certain sitting and standing

restrictions, it was appropriate for administrative law judge to procure testimony from vocational expert rather than rely on vocational guidelines).

Accordingly, on remand the administrative law judge should reconsider his residual functional capacity assessment in light of the errors I noted in other parts of this opinion. However, the administrative law judge is not prohibited from including a "sit/stand option" in his assessment and, if he does include that limitation, he is not required to include other limitations regarding the amount of time plaintiff can sit or stand.

ORDER

IT IS ORDERED that that the decision of defendant Michael J. Astrue, Commissioner of Social Security, denying plaintiff Bryan Hopkins's application for Disability Insurance Benefits is REVERSED AND REMANDED under sentence four of 42 U.S.C. § 405(g). The clerk of court is directed to enter judgment for plaintiff and close this case.

Entered this 29th day of January, 2013.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge