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U.S. District Court
United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:21-cv-05134-JRC

Simatic v. Commissioner of Social Security
Assigned to: Judge J Richard Creatura
Cause: 42:405 Review of HHS Decision (SSID)

Date Filed: 02/23/2021
Date Terminated: 08/03/2021
Jury Demand: None
Nature of Suit: 864 Social Security: SSID Tit.
XVI
Jurisdiction: U.S. Government Defendant

Plaintiff

Mary F Simatic

represented by **Mary F Simatic**
E-Filing/Service
5621 S THOMPSON AVE
TACOMA, WA 98408
253-381-0026
Email: lisa.lonney@yahoo.com
PRO SE

V.

Defendant

Commissioner of Social Security

represented by **Kerry Jane Keefe**
US ATTORNEY'S OFFICE (SEA)
700 STEWART ST
STE 5220
SEATTLE, WA 98101-1271
206-553-2640
Email: kerry.keefe@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan Lu
SOCIAL SECURITY ADMINISTRATION
M/S 221A
701 5TH AVENUE STE 2900
SEATTLE, WA 98104
206-615-2034
Email: Ryan.Lu@ssa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Interested Party

Social Security Administration

Date Filed	#	Docket Text
02/23/2021	1	COMPLAINT against defendant(s) Commissioner of Social Security, filed by Mary F Simatic. (Summons(es) to be issued) (Receipt # TAC016596) (Attachments: # 1 Civil Cover Sheet, # 2 Summons, # 3 Transmittal Email) (AMD) (Entered: 02/24/2021)
02/24/2021	2	Summons(es) Issued in Paper Form as to defendant(s) Commissioner of Social Security due to voluminous number of summons(es) filed. (AMD; Issued Summons mailed to Plaintiff 2/24/21) (Entered: 02/24/2021)
02/24/2021	3	CONSENT filed by all parties to proceed before a Magistrate Judge. (KAM) (Entered: 02/24/2021)
02/24/2021	4	ORDER NOT TO PROVIDE COURTESY COPIES OF THE ADMINISTRATIVE RECORD: The Administration should not file a paper or CD courtesy copy of the Administrative Record for chambers in this matter. This does not modify the procedure for any other chambers. Signed by Judge J Richard Creatura. (KAM) (Entered: 02/24/2021)
03/04/2021	5	ORDER DIRECTING SERVICE BY MAIL by Judge J Richard Creatura. (Attachments: # 1 Summons, # 2 Summons, # 3 Summons) (Copy mailed to Pltf)(DK) (Mailed on 3/4/2021) Modified on 3/4/2021 (DK). (Entered: 03/04/2021)
03/09/2021	6	NOTICE: Plaintiff Mary F Simatic has registered to electronically file and receive electronic service in this case. (KB) (Entered: 03/09/2021)
03/09/2021	7	AMENDED COMPLAINT <i>MARY F SIMATIC</i> against defendant(s) Commissioner of Social Security, filed by Mary F Simatic.(Simatic, Mary) (Entered: 03/09/2021)
03/09/2021	8	AMENDED CIVIL COVER SHEET COMPLAINT <i>MARY F SIMATIC</i> against defendant(s) Commissioner of Social Security, filed by Mary F Simatic. (Attachments: # 1 Summons Amended Civil Process Clerk, # 2 Summons Amended Office of Attorney General, # 3 Summons Amended Regional Chief Counsel)(Simatic, Mary) Modified on 3/10/2021. (KMC) (Entered: 03/09/2021)
03/10/2021	9	RETURN RECEIPT (Green Card) re service by certified mail executed upon the Commissioner of Social Security. (KMC) (Entered: 03/10/2021)
03/10/2021	10	RETURN RECEIPT (Green Card) re service by certified mail executed upon the United States Attorney. (KMC) (Entered: 03/10/2021)
03/18/2021	11	RETURN RECEIPT (Green Card) re service by certified mail executed upon Office of the Attorney General. (GMR) (Entered: 03/18/2021)
03/31/2021	12	Second AMENDED COMPLAINT <i>MARY F SIMATIC</i> against defendant(s) Commissioner of Social Security, filed by Mary F Simatic. (Attachments: # 1 Exhibit Form SSA-3288, September 22, 2020, # 2 Exhibit SSA Advance Notice, August 25, 2020, # 3 Exhibit Letter to SSA, September 18, 2020, # 4 Exhibit SSA Notice of Award, September 29, 2020, # 5 Exhibit Request for Reconsideration, October 20, 2020, # 6 Exhibit Letter to Congressman, November 2, 2020, # 7 Exhibit Memorandum, November 3, 2020, # 8 Exhibit Appointment Confirmation, November 10, 2020, # 9 Exhibit Memorandum, December 24, 2020, # 10 Exhibit Memorandum, January 6, 2021, # 11 Exhibit My SSA account, February 9, 2021, # 12 Exhibit Disability Case Document Index, March 22, 2021)(Simatic, Mary) (Entered: 03/31/2021)
04/01/2021		NOTICE TO PARTIES: After review of the 12 Second Amended Complaint, it has been determined that the correct Nature of Suit for this action is 864 relating to an appeal of Social Security benefits; moving forward, the case restrictions have been updated for docket entry 12 and all future filings. (KMC) (Entered: 04/01/2021)
04/02/2021	13	AMENDED ORDER DIRECTING SERVICE BY MAIL re 5 Order by Judge J Richard Creatura. Note: This Amended Order is only correcting an error in Doc 5 which stated the defendant was proceeding in forma pauperis, when in fact she is not. This is not an Order directing further service by mail. (KAM) (Entered: 04/02/2021)

04/28/2021	14	MOTION for Leave to File <i>Third Amended Complaint</i> , filed by Plaintiff Mary F Simatic. (Attachments: # 1 Exhibit Proposed Amendments to Complaint, # 2 Exhibit Form SSA-3288 dated September 21, 2021, # 3 Exhibit Form SSA-3288 Instructions, # 4 Exhibit SSA POMS GN 03340.010, # 5 Exhibit Letter to Congressman Kilmer dated November 2, 2020, # 6 Exhibit Memorandum dated November 3, 2020, # 7 Exhibit Appointment Letter dated October 29, 2020, # 8 Exhibit Memorandum dated December 24, 2020, # 9 Exhibit Memorandum dated January 6, 2021, # 10 Exhibit Certified mail receipts February 26, 2021, # 11 Exhibit CD contents March 29, 2021) Noting Date 5/14/2021, (Simatic, Mary) (Entered: 04/28/2021)
04/29/2021	15	NOTICE of Appearance by attorney Ryan Lu on behalf of Defendant Commissioner of Social Security. (Lu, Ryan) (Entered: 04/29/2021)
04/29/2021	16	EXHIBIT <i>CD contents 03222021</i> re 14 MOTION for Leave to File <i>Third Amended Complaint</i> by Plaintiff Mary F Simatic (Simatic, Mary) (Entered: 04/29/2021)
05/08/2021	17	PRAECIPE re 16 Exhibit <i>corrections</i> by Plaintiff Mary F Simatic (Attachments: # 1 Exhibit Proposed Order, # 2 Exhibit Form SSA-3288 09212020, # 3 Exhibit Form SSA-3288 intructions, # 4 Exhibit POMS GN 03340.010, # 5 Exhibit Letter to Congressman 11022020, # 6 Exhibit Memorandum 11032020, # 7 Exhibit Appointment Confirmation 10292020, # 8 Exhibit Memorandum 12242020, # 9 Exhibit Memorandum 01062021, # 10 Exhibit Certified Mail Receipts 02262021, # 11 Exhibit CD Contents 03222021, # 12 Exhibit CD Contents 03292021, # 13 Exhibit Proposed Order)(Simatic, Mary) (Entered: 05/08/2021)
05/10/2021	18	RESPONSE, by Defendant Commissioner of Social Security, to 14 MOTION for Leave to File <i>Third Amended Complaint</i> . (Lu, Ryan) (Entered: 05/10/2021)
05/13/2021	19	REPLY, filed by Plaintiff Mary F Simatic, TO RESPONSE to 14 MOTION for Leave to File <i>Third Amended Complaint</i> (Simatic, Mary) (Entered: 05/13/2021)
05/28/2021	20	MOTION to Dismiss , filed by Defendant Commissioner of Social Security. (Attachments: # 1 Proposed Order) Noting Date 6/25/2021, (Lu, Ryan) (Entered: 05/28/2021)
05/28/2021	21	DECLARATION of Renee Hall filed by Defendant Commissioner of Social Security re 20 MOTION to Dismiss (Lu, Ryan) (Entered: 05/28/2021)
05/31/2021	22	MOTION for Leave <i>to Amend Name of Defendant</i> , filed by Plaintiff Mary F Simatic. (Attachments: # 1 Amended Complaint Proposed Amendment to Complaint, # 2 Exhibit Form SSA-3288 dated September 21, 2021, # 3 Exhibit Advance Notice dated August 25, 2020, # 4 Exhibit Letter dated September 18, 2020, # 5 Exhibit SSA Award Notice dated September 29, 2020, # 6 Exhibit Request for Reconsideration dated October 10, 2020, # 7 Exhibit Letter to Congressman dated November 3, 2020, # 8 Exhibit Memorandum dated November 3, 2020, # 9 Exhibit Appointment notice November 10, 2020, # 10 Exhibit Memorandum dated December 24, 2020, # 11 Exhibit Memorandum dated January 6, 2021, # 12 Exhibit My SSA account, # 13 Amended Complaint Proposed Amended Complaint, # 14 Exhibit Form SSA-3288, # 15 Exhibit Form SSA-3288 Instructions, # 16 Exhibit POMS GN 03340.010, # 17 Exhibit Letter to Congressman dated November 2, 2020, # 18 Exhibit Memorandum dated November 3, 2020, # 19 Exhibit Office Interview dated November 10, 2020, # 20 Exhibit Memorandum dated December 24, 2020, # 21 Exhibit Memorandum dated January 6, 2021, # 22 Exhibit Court Fees, # 23 Exhibit CD contents March 22, 2021, # 24 Exhibit CD Contents March 29, 2021, # 25 Proposed Order Order) Noting Date 6/18/2021, (Simatic, Mary) (Entered: 05/31/2021)
06/03/2021	23	PRAECIPE re 20 MOTION to Dismiss by Defendant Commissioner of Social Security (Attachments: # 1 Exhibit Corrected Motion to Dismiss, # 2 Exhibit Hall Declaration, # 3 Proposed Order)(Lu, Ryan) (Entered: 06/03/2021)
06/13/2021	24	NOTICE of Related Case(s) 3:21-cv-05180-MJP, by Plaintiff Mary F Simatic. (Simatic, Mary) (Entered: 06/13/2021)
06/14/2021	25	RESPONSE, by Defendant Commissioner of Social Security, to 22 MOTION for Leave <i>to Amend Name of Defendant</i> . (Lu, Ryan) (Entered: 06/14/2021)
06/15/2021	26	ORDER DENYING MOTION FOR LEAVE TO AMEND COMPLAINT signed by Judge J Richard Creatura, re 14 Motion for Leave to File. The 14 motion for leave to amend the complaint is DENIED. The operative complaint is the complaint filed as Dkt. 12 . The Court declines to rule on the motion to dismiss Dkt. 20 or the second motion for leave to amend Dkt. 22 , as those motions are not yet ripe for the Courts consideration. (DK) (Entered: 06/15/2021)

06/25/2021	27	REPLY BRIEF re 20 MOTION to Dismiss by Defendant Commissioner of Social Security. (Attachments: # 1 Exhibit Declaration of Michael Webb, # 2 Exhibit, # 3 Exhibit)(Lu, Ryan) (Entered: 06/25/2021)
06/27/2021	28	MOTION to Withdraw Document 22 MOTION for Leave <i>to Amend Name of Defendant</i> , filed by Plaintiff Mary F Simatic. (Simatic, Mary) (Entered: 06/27/2021)
06/28/2021	29	NOTICE to Withdraw Pending Motion re 28 MOTION to Withdraw Document 22 MOTION for Leave <i>to Amend Name of Defendant</i> , 22 MOTION for Leave <i>to Amend Name of Defendant</i> ; by Plaintiff Mary F Simatic. (Simatic, Mary) (Entered: 06/28/2021)
08/02/2021	30	ORDER ON MOTION TO DISMISS SECOND AMENDED COMPLAINT signed by Judge J Richard Creatura, re 20 Motion to Dismiss. Defendant's motion to dismiss is GRANTED. The claims against defendant should be dismissed without prejudice.(DK) (Entered: 08/03/2021)
08/03/2021	31	JUDGMENT BY COURT (DK) (Entered: 08/03/2021)