

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

THOMAS BRODZIK)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:13-cv-438 JD
)	
CONTRACTORS STEEL, INC., <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

The Plaintiff, Thomas Brodzik, filed a four-count complaint in this matter, asserting claims for FMLA interference (Count 1) and retaliation (Count 2), disability discrimination (Count 3), and age discrimination (Count 4) against his former employer, Contractors Steel, Inc., and his former supervisor, Marty Haendiges. The Defendants moved to dismiss Counts 1 through 3 for failure to state a claim, and this Court referred that motion to the magistrate judge for a report and recommendation. On September 2, 2014, Magistrate Judge Cherry issued an amended report and recommendation in which he recommended that the Court grant the motion to dismiss as to each of the three counts at issue, but with leave to amend. [DE 28]. Mr. Brodzik subsequently filed a statement in which he indicates that he is in agreement with those recommendations and wishes to file an amended complaint. [DE 29]. The Defendants have not filed any objection.

After referring a dispositive motion to a magistrate judge, a district court has discretion to accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1). Consistent with Federal Rule of Civil Procedure 72(b), the district court must undertake a de novo review “only of those portions of the magistrate judge’s disposition to which specific written objection is made.” *See Johnson v. Zema Sys. Corp.*, 170

