

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DONALD MADDY, et al.,

Plaintiffs,

v.

GENERAL ELECTRIC COMPANY, a
New York Corporation,

Defendant.

HONORABLE JEROME B. SIMANDLE

Civil Action No.
14-490 (JBS/KMW)

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING
DEFENDANT'S MOTION TO DISMISS**

This matter comes before the Court by way of Defendant General Electric Company's (hereinafter, "Defendant") motion to dismiss the claims of opt-in Plaintiffs Michael Rose and Kevin Frawley (hereinafter, "Plaintiffs") with prejudice for failure to respond to discovery [see Docket Item 185]; and the Court having considered the Report and Recommendation of the Honorable Karen M. Williams, U.S. Magistrate Judge, pursuant to 28 U.S.C. §§ 636(b)(1)(B) and (C) [see Docket Item 230]; and Judge Williams having advised the parties that, under Local Civil Rule 72.1(c)(2), they had fourteen days from receipt of the Report and Recommendation to file and serve any objections [see Docket Item 230 at 8]; and no objections having been filed, and the time to file objections under Local Civil Rule 72.1(c)(2) having expired;¹ and the Court having considered the parties'

¹ As reflected on the docket, the time to file objections expired on February 25, 2016.

submissions relative to Defendant's dismissal motion [see Docket Items 185, 195, 196, & 197];² and the Court finding the Report and Recommendation neither clearly erroneous, nor contrary to law; and for good cause shown

IT IS this 26th day of February, 2016, hereby **ORDERED** that the Report and Recommendation [Docket Item 230] shall be, and hereby is, **ADOPTED**; and it is further **ORDERED** that Defendant's motion to dismiss [Docket Item 185] shall be, and hereby is, **DENIED** for the reasons expressed in the Report and Recommendation.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge

² Defendant moved to dismiss Plaintiffs' claims, on account of their failure to provide responses to Defendant's requests for production of documents. (See generally Def.'s Br. at 1.) Shortly after the filing of Defendant's motion, however, Plaintiffs served responses to Defendant's discovery requests, and have, since that time, continued to participate in discovery. (See generally Pls.' Opp'n at 5-7.) Despite this development, Defendant continued to pursue its dismissal motion. (See generally Def.'s Reply at 5-6.)