

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AURELIO MILLER,

Plaintiff,

- against -

270 EMPIRE REALTY LLC; MALEK
MANAGEMENT LLC; MALEK MANAGEMENT
1 CORP.; WALTER CARILLO, in his
individual and official capacity; MICHAEL
MALEK, JR., in his individual and official
capacity; JOHANA RIVERA, in her official
and individual capacity,

Defendants.
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DEARIE, District Judge.

Plaintiff Aurelio Miller alleges that his landlord and superintendent discriminated against him for being HIV positive. In an April 6, 2012 Report and Recommendation, Magistrate Judge Ramon Reyes, Jr. recommended denying defendants' motions for summary judgment on all but one claim. ECF Docket # 65. Defendants filed objections, and plaintiff urged adoption of the entire report. ECF Docket # 67-68, 70. Having reviewed the motion papers and Magistrate Judge Reyes's careful analysis, the Court adopts the Report and Recommendation.

The record reflects sufficient evidence to state a prima facie retaliation claim and avoid summary judgment.

Carillo's motion for summary judgment on counts 1, 2, 3, 4, 5, 11, 12, 15, and 19 is denied. The Court grants Carillo's motion for summary judgment on count 16. As to the Malek defendants, the Court denies summary judgment on all counts. The parties' proposed pretrial order will be deemed amended consistent with this order. The parties are directed to appear

ORDER

09 CV 2857 (RJD) (RER)

before the undersigned for a pretrial conference on June 13, 2012 at 11:00 a.m. in courtroom 10

A-S.

SO ORDERED.

Dated: Brooklyn, New York
May 21, 2012

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge