UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PAULINE BONNEN,

Plaintiff,

-against-

CONEY ISLAND HOSPITAL,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION
16-CV-04258 (AMD) (CLP)

Ann M. Donnelly, United States District Judge:

On August 4, 2016, the *pro se* plaintiff, Pauline Bonnen, commenced this action against the defendant, Coney Island Hospital ("CIH"), alleging violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq*., the Family Medical Leave Act ("FMLA"), 29 U.S.C. § 2601 *et seq*., and the New York City Human Rights Law ("NYCHRL"), N.Y.C. Admin. Code § 8-101 *et seq*. (ECF No. 1.) Thereafter, on January 19, 2017, the plaintiff filed a motion for leave to amend her complaint and add the New York City Health and Hospitals Corporation ("HHC") as a defendant, as well as add claims under New York State Human Rights Law ("NYSHRL"), N.Y. Exec. L. § 290 *et seq*. and the New York City Earned Sick Time Act ("ESTA"), N.Y.C. Admin. Code § 20-914 *et seq*. (ECF No. 20.) On March 9, 2017, I referred this matter to United States Magistrate Judge Cheryl L. Pollak for a report and recommendation as to whether to grant the defendant's motion to dismiss, and whether to grant the plaintiff's motion to amend her complaint.

On September 6, 2017, Judge Pollak issued a report recommending that I grant in part and deny in part the plaintiff's motion to amend her complaint, and grant the defendant's motion to dismiss the plaintiff's original complaint. (ECF No. 25 at 2, 35.)

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F.Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have reviewed Judge Pollak's thorough and well-reasoned report and recommendation, and find there are no legal or factual errors. Thus, I adopt the report and recommendation in its entirely.

Accordingly, the defendant's motion to dismiss the plaintiff's original complaint is granted; and the plaintiff's motion to amend the complaint is granted to assert claims against HHC under the ADA, NYSHRL, and NYCHRL, but denied with prejudice to the extent the plaintiff seeks to bring claims against HHC under the FMLA or ESTA. In addition, the plaintiff's motion to amend is denied with prejudice to the extent it seeks to assert any claims against CIH.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
September 26, 2017