

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTHEW ROACH, MELISSA LONGO,  
GARRETT TITCHEN, and CHRISTINA APPLE

Plaintiffs,

v.

10-CV-0591

T.L. CANNON CORP., d/b/a Applebees,  
T.L. CANNON MANAGEMENT CORP.,  
TLC WEST, LLC, TLC CENTRAL, LLC  
TLC UTICA, LLC, TLC EAST, LLC,  
TLC NORTH LLC, DAVID A. STEIN,  
MATTHEW J. FAIRBAIRN, AND  
JOHN A. PERRY

Defendants.

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THOMAS J. McAVOY  
United States District Judge

**DECISION and ORDER**

This matter was referred to the Hon. David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1). Before the Court is Judge Peebles' Report-Recommendation regarding the dismissal of claims made on behalf of various of the plaintiffs based on their failure to comply with discovery demands and discovery-related court orders.

No objections to the May 15, 2012 Report-Recommendation have been raised. After examining the record, the Court has determined the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

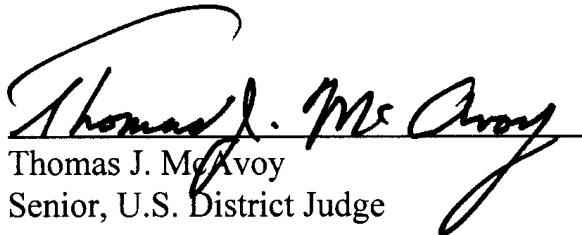
Therefore, it is hereby

**ORDERED** that the claims brought by plaintiffs Edward B. Arnold, Shiree A. Bailey, Morgan A. Major, Courtney Manderville, Joan Montouri, Matt Ellison, Brittany McCellan, Jessica Novobilski, Christine Turner, Sara Konop, and Ryan J. Konop in this action are **DISMISSED**; and it is further

**ORDERED** that within twenty-one days of the date of this order plaintiffs Melissa Longo, Matthew Roach, Garrett Titchen, Jennifer Capra, Nicole Mariani, Rebecca Hill, Josiah Mc Bride, and Diane Sukup serve upon defendants' counsel verifications to accompany their responses to defendants' first set of interrogatories; and it is further

**ORDERED** that the parties confer and mutually agree upon the taking of depositions of up to six of the remaining plaintiffs in this action, at mutually convenient dates, times, and locations within thirty days of the date of this order. If these plaintiffs fail to respond, their claims will be dismissed from the suit.

Dated: June 13, 2012

  
Thomas J. McAvoy  
Senior, U.S. District Judge