

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**KEVIN JOSEPH CARR,**

**Plaintiff,**

**3:17-cv-954  
(GLS/DEP)**

**v.**

**CITY OF NORWICH et al.,**

**Defendants.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR PLAINTIFF:**

Office of Ronald R. Benjamin  
P.O. Box 607  
126 Riverside Drive  
Binghamton, NY 13902-0607

RONALD R. BENJAMIN, ESQ.

**FOR DEFENDANTS:**

Johnson & Laws, LLC  
648 Plank Road, Suite 204  
Clifton Park, NY 12020

GREGG T. JOHNSON, ESQ.  
APRIL J. LAWS, ESQ.  
COREY A. RUGGIERO, ESQ.  
LORAIN CLARE JELINKE, ESQ.

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Order, Report, and Recommendation by Magistrate Judge David E. Peebles duly filed on March 1, 2019. (Dkt. No. 58.) Following fourteen days from the

service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report and Recommendation for clear error, it is hereby

**ORDERED** that the Order, Report, and Recommendation (Dkt. No. 58) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for summary judgment (Dkt. No. 46) is **GRANTED IN PART** and **DENIED IN PART** as follows:

**GRANTED** with respect to plaintiff's remaining claim against defendant City of Norwich; and;

**DENIED** in all other respects; and it is further

**ORDERED** that plaintiff's remaining claim against the City of Norwich is **DISMISSED**; and it is further

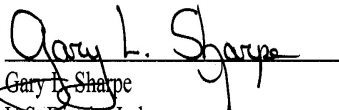
**ORDERED** that the clerk terminate the City of Norwich as a party to this action; and it is further

**ORDERED** that this case is deemed trial ready and a trial order will be issued in due course; and it is further

**ORDERED** that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules.

**IT IS SO ORDERED.**

March 25, 2019  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge