

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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NICHOLAS L. VASSENELLI,

Plaintiff,

-v-

5:10-CV-1422

THE CITY OF SYRACUSE; STEPHANIE A. MINER, in her individual and official capacity as Mayor of the City of Syracuse; FRANK L. FOWLER, in his individual and official capacity as Chief of Police for the City of Syracuse; JUDY CULETON, in her individual and official capacity as Director of the Human Resources Division of the Syracuse Police Department; MATTHEW DRISCOLL, in his individual capacity as former Mayor of the City of Syracuse; GARY MIGUEL, in his individual capacity as former Chief of Police for the City of Syracuse; SERGEANT RICHARD PERRIN, in his individual and official capacity; POMCO GROUP, individually and as an agent for The City of Syracuse, a/k/a POMCO, Inc.; SHARON MILLER, in her individual and official capacity and as agent of the City of Syracuse; SHARON ERIKSSON, in her individual and official capacity and as agent of the City of Syracuse; and DAVID BARRETTE, in his individual and official capacity,

Defendants.

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APPEARANCES:

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JAMES C. BRADY, ESQ.

DAVID N. HURD  
United States District Judge

### **DECISION and ORDER**

Plaintiff brings this action against the City of Syracuse ("City"), several present and former City employees, POMCO Group a/k/a POMCO, Inc., ("POMCO"), a third-party benefits administrator for the City, and a POMCO employee, asserting various federal and state law causes of action arising out of the City's payment of benefits to the plaintiff under New York General Municipal Law section 207-c. On January 30, 2012, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report–Recommendation that

plaintiff's motion for a preliminary injunction be denied. Plaintiff timely filed objections to the Report-Recommendation.

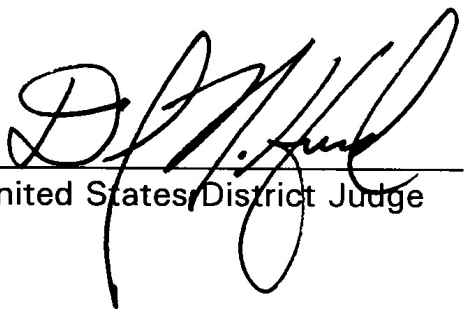
Based upon a de novo determination of the portions of the Report-Recommendation to which plaintiff objected, the Report-Recommendation is accepted in its entirety. See 28 U.S.C. § 636(b)(1) (2006).

Accordingly, it is

ORDERED that

Plaintiff's motion for a preliminary injunction (Dkt. No. 21) is DENIED.

IT IS SO ORDERED.



United States District Judge

Dated: March 5, 2012  
Utica, New York.