

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAWN HAMELIN, et al.,

Plaintiffs,

- vs -

5:08-CV-1219

FAXTON ST. LUKE'S HEALTHCARE, et al.,

Defendants.

APPEARANCES:

THOMAS & SOLOMON LLP
Attorneys for Plaintiffs
693 East Avenue
Rochester, NY 14607

BOND, SHOENECK & KING, PLLC
Attorneys for Defendants
One Lincoln Center
Syracuse, NY 13202

DAVID N. HURD
United States District Judge

OF COUNSEL:

J. NELSON THOMAS, ESQ.
PATRICK J. SOLOMON, ESQ.
JUSTIN M. CORDELLO, ESQ.
MICHAEL J. LINGLE, ESQ.
SARA E. ROOK, ESQ.

JONATHAN B. FELLOWS, ESQ.
R. DANIEL BORDONI, ESQ.
SUBHASH VISWANATHAN, ESQ.

DECISION and ORDER

The named plaintiffs brought this action in November 2008, asserting a variety of federal and state law claims. By Report-Recommendation dated July 19, 2010, the Honorable David E. Peebles, United States Magistrate Judge, recommended that defendants' motion for dismissal of all claims of the forty-seven named opt-in plaintiffs who have failed to answer court approved interrogatories (Dkt. No. 230) be granted, and that the following plaintiffs' claims against the defendants in this action be dismissed subject to their right, should class certification be granted, to participate as class members in the action if deemed appropriate by the court:

1. Jessica Aiello
2. Gayle A. Bankert
3. Courtney M. Berberick
4. Kimberly R. Bonvicino
5. Michael L. Calabrese
6. Nancy W. Conway
7. Cynthia R. Curtis
8. Regina N. Delmonico
9. Valecia C. Digristina
10. Frank C. Druse, III
11. Nancy J. Elsenbeck
12. Darsel M. Excell
13. Jennifer L. Flanders
14. Cynthia A. Gardner
15. Bethany George
16. Deanna Gotte
17. LisaGulla
18. Angela I. Haley
19. Kathleen M.Haley
20. Sara K. Hargrave
21. Alicia L. Harvey
22. Patricia M. Hines
23. Elizabeth A. Howe
25. Diane Jordan
26. William E. Jweid
27. Renee Koppany-Minasov
28. Donna Misiaszek - Antzak
29. Shilo Morreale
30. Stella D. Paladino
31. Ashley M. Price
32. Cheryl A. Rappa
33. Jacqueline C. Ruggiero
34. Charleen A. Ryan
35. Timothy J. Shepherd
36. Cynthia L. Stark
37. Brenda L. Stefanski
38. Nicole M. Banas
39. Julie A. M. Furgison
40. Phyllis A. Gary
41. Cecilia Guantero
42. John R. Mason
43. Joan D. Parvi
44. Patricia Postal
45. Susan L. Seymour
46. Charmaine Williams
47. Daniel Knapp

24. Laura M. Inman

The plaintiffs have filed timely objections to the Report-Recommendation.

Based upon a de novo review of the entire file, including the portions of the Report-Recommendation to which plaintiff has objected, and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. Defendants' motion for dismissal of all claims of the forty-seven named opt-in plaintiffs who have failed to answer court approved interrogatories (Dkt. No. 230) is GRANTED;

2. The following plaintiffs' claims against the defendants in this action are DISMISSED subject to their right, should class certification be granted, to participate as class members in the action if deemed appropriate by the court:

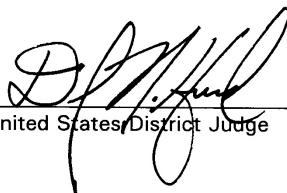
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|--------------------------|------------------------------|
| 1. Jessica Aiello | 25. Diane Jordan |
| 2. Gayle A. Bankert | 26. William E. Jweid |
| 3. Courtney M. Berberick | 27. Renee Koppany-Minasov |
| 4. Kimberly R. Bonvicino | 28. Donna Misiaszek - Antzak |
| 5. Michael L. Calabrese | 29. Shilo Morreale |
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| 7. Cynthia R. Curtis | 31. Ashley M. Price |
| 8. Regina N. Delmonico | 32. Cheryl A. Rappa |
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44. Patricia Postal
45. Susan L. Seymour
46. Charmaine Williams
47. Daniel Knapp

IT IS SO ORDERED.

Dated: August 27, 2010
Utica, New York.


United States District Judge