

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CAROL FIELD and ERIN MANCUSO

Plaintiffs,

v.

ORDER
07-CV-241

TONAWANDA CITY SCHOOL DISTRICT

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on May 30, 2007. On October 1, 2007, defendant filed a motion for judgment on the pleadings and summary judgment. On November 26, 2008, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion directed to Plaintiffs' Age Discrimination in Employment Act of 1967 ("ADEA") claims and New York State Human Rights Law ("NYHRL") claims should be granted and, alternatively, that defendant's motion directed to Plaintiffs' ADEA claims should be granted and plaintiffs' NYHRL claims should be dismissed.

Plaintiff filed objections to the Report and Recommendation on January 5, 2009 and defendants filed a response thereto. Oral argument on the objections was held on February 27, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for summary judgment is granted as to plaintiff's ADEA and NYHRL claims.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: March 4, 2009