

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARISA DEMUTIS,

Plaintiff,

v.

ORDER
09-CV-092

SALLY BEAUTY SUPPLY LLC,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). Defendant filed a motion for summary judgment. On February 17, 2011, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for summary judgment be denied.

Defendant filed objections to the Report and Recommendation on March 3, 2011, plaintiff filed a response to the objections and defendant filed a reply thereto.

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, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for summary judgment is denied.

The case is referred back to Magistrate Judge Scott for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: March 29, 2011