

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THOMAS R. DULSKI  
and  
JOAN DULSKI,

Plaintiffs,

v.

ORDER  
10-CV-234

INTUITIVE SURGICAL, INC.,  
and  
RYAN SMITH,

Defendants.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On January 19, 2011, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that plaintiffs' motion be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, plaintiffs' motion is denied. This case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: February 9, 2011