

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SEAN M. TRAPPER,
MICHAEL TRAPPER and
CYNTHIA TRAPPER,

Plaintiffs,

v.

ORDER
10-CV-730

CREDIT COLLECTION SERVICES, INC. And
AFFILIATED COMPUTER SERVICES, INC.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On January 26, 2011, defendant Credit Control Services, Inc. filed a motion to dismiss. On August 31, 2011, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the motion to dismiss be granted.

Plaintiffs filed objections to the Report and Recommendation on September 11, 2011. Defendant filed a response thereto on September 16, 2011. Oral argument on the objections was held on October 21, 2011.

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 McCarthy's Report and Recommendation, defendant Credit Control Services Inc.'s motion to dismiss is granted. The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: October 26, 2011