

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KANDEY COMPANY, INC.,

Plaintiff,

v.

DECISION AND ORDER

11-CV-478A

11-CV-480A

LEO A. BARBERA,
BARBERA UTILITY CONTRACTING, INC.
d/b/a HORIZONTAL HOLES, and
HORIZONTAL EQUIPMENT AND
MANUFACTURING, INC.,

Defendants.

On August 23, 2011, the parties in Case Nos. 11-CV-478 and 11-CV-480 filed a joint stipulation in each respective docket to consolidate the cases under Case No. 11-CV-478 and to amend the caption of that case. On August 29, 2011, Magistrate Judge Hugh B. Scott issued a Report and Recommendation in each case recommending acceptance of the stipulation. No objections were filed in either case.

After reviewing the joint stipulation and pursuant to 28 U.S.C. § 636(b)(1), the Court adopts each Report and Recommendation and approves the joint stipulation. The Clerk of the Court is directed to complete an administrative closing of Case No. 11-CV-480, as that case now has been consolidated with Case No. 11-CV-478. All subsequent filings shall occur in Case No. 11-CV-478

only. The Clerk of the Court shall conform the caption of Case No. 11-CV-478 to the caption listed above.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: September 19, 2011