

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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BARKAT S. HOODA, M.D.,

Plaintiff,

v.

ORDER  
11-CV-504A

W.C.A. SERVICES CORPORATION  
d/b/a WCA HOSPITAL, and  
BETSY T. WRIGHT,

Defendants.

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The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On November 4, 2011, Magistrate Judge Schroeder filed a Report, Recommendation and Order recommending that defendants' motion to set aside a portion of a June 3, 2011, Order of Hon. Lee H. Rosenthal, United States District Judge for the Southern District of Texas, be denied and that defendants' motion to stay enforcement of that order be likewise denied. He recommended that defendants be directed to reimburse plaintiff in the amount of \$538.67 for expenses incurred in making service, and \$893.75 for attorney's fees incurred in making the motion to collect service costs, for a total of \$1,432.42. He also recommended that plaintiff's motion to dismiss defendants' counterclaim be denied.

The Court has carefully reviewed the Report, Recommendation and Order, 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, Recommendation and Order, defendants' motion to set aside Judge Rosenthal's June 3, 2011 Order is denied and defendants' motion to stay enforcement of that Order is likewise denied. Defendants are directed to reimburse plaintiff in the amount of \$538.67 for expenses incurred in making service, and \$893.75 for attorney's fees incurred in making the motion to collect expenses, for a total of \$1,432.42. Plaintiff's motion to dismiss defendants' counterclaim is also denied.

The 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:December 1, 2011