

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KANDEY COMPANY, INC.,
Plaintiff,

v.

ORDER
13-CV-585A

CASEY BARBERA, et al.,

Defendants.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On December 16, 2014, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's cross motion to strike the Answer (Dkt. No. 33) should be denied in part. Further, it was recommended that defendants' motion for a protective Order (Dkt. No. 31) be denied, and that depositions shall occur in Buffalo, NY, as noticed by plaintiff, who shall serve notices with the new dates within 60 days of the filing of Magistrate Judge Scott's Report and Recommendation.

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 Scott's Report and Recommendation, plaintiff's cross motion to strike the Answer as a discovery sanction (Dkt. No. 33) is denied in part, and defendants are ordered to appear at plaintiff's depositions. Defendants' motion for a

protective Order (Dkt. No. 31) is denied, and depositions shall occur in Buffalo, NY as noticed by plaintiff, who shall serve notices with the new dates within 60 days of the filing of Magistrate Judge Scott's Report and Recommendation.

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

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 12, 2015