

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KEITH WATERMAN,

Plaintiff,

v.

**DECISION AND ORDER**  
13-CV-611-A

NYS OFFICE OF TEMP & DISABILITY,

Defendant.

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The above-referenced case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct or pretrial proceedings. On December 15, 2016, Magistrate Judge Roemer filed a Report, Recommendation and Order (Dkt. No. 48), recommending that plaintiff's motion to amend the complaint (Dkt. No. 43) be granted as to his proposed retaliation claim, and that the motion be denied as to plaintiff's proposed claims against his former co-workers Ed Ploski, Mario Musso, Mike Bautz, Debi Milley and Cindy Bialecki.

On December 29, 2016, defendant filed objections to the Report, Recommendation and Order (Dkt. No. 49), and plaintiff filed a response, along with a further request to amend the complaint, on January 20, 2017 (Dkt. No. 53). The matter was deemed submitted.

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 *de novo* review, and after reviewing the

submissions from the parties, the Court hereby adopts Magistrate Judge Roemer's findings and conclusions.

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report, Recommendation and Order, plaintiff's motion to amend the complaint is granted as to his proposed retaliation claim, and the motion is denied as to plaintiff's claims against his former co-workers Ed Ploski, Mario Musso, Mike Bautz, Debi Milley and Cindy Bialecki.

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

**IT IS SO ORDERED.**

*Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: January 27, 2017