

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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GREGORY J. THUMAN,

Plaintiff,

v.

**DECISION AND ORDER**  
13-CV-1087-A

TIMOTHY S. DEMBSKI, SCOTT M. STEPHAN,  
PRESTIGE WEALTH MANAGEMENT FUND, LP,  
PRESTIGE WEALTH MANAGEMENT, LLC,  
MID-ATLANTIC CAPITAL CORPORATION,  
RELIANCE FINANCIAL ADVISORS, LLC,

Defendants.

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This case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On April 4, 2017, Magistrate Judge Foschio filed an Amended Report and Recommendation (Dkt. No. 70) recommending that Defendant Mid-Atlantic Capital Corporation's motion to dismiss pursuant to Fed. R. Civ. P 12(b)(6) be granted.


On April 26, 2017, plaintiff Gregory J. Thuman filed objections to the Report and Recommendation. Dkt. No. 76. Defendant Mid-Atlantic filed a response on May 11, 2017 (Dkt. No. 78) and plaintiff filed a reply on May 26, 2017. Dkt. No. 80. 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 Foschio's

findings and conclusions.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Amended Report and Recommendation (Dkt. No. 70), Defendant Mid-Atlantic Capital Corporation's Motion to Dismiss (Dkt. No. 56) is granted. The Clerk of the Court shall terminate the action as to Mid-Atlantic Capital Corporation, and this matter is recommitted to Magistrate Judge Foschio for further proceedings.

**IT IS SO ORDERED.**

  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: May 10, 2021