

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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, and
MID-ATLANTIC CAPITAL CORPORATION,

Defendants.

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 May 5, 2020, Magistrate Judge Foschio filed a Report and Recommendation and Decision and Order (Dkt. No. 97), recommending that plaintiff Gregory J. Thuman's motion for partial summary judgment (Dkt. No. 88) be granted with respect to the claims asserted against defendant Timothy S. Dembski.

On June 18, 2020, defendant Dembski filed objections to the Report and Recommendation. Dkt. No. 103. Plaintiff filed a response on July 9, 2020 (Dkt. No. 106), and no reply papers were filed. The matter was deemed submitted.

Pursuant to 28 U.S.C. §636(b)(1), the Court makes a *de novo* determination of those portions of the Report and Recommendation to which

objections have been made. Upon *de novo* review, and for the reasons stated in the Report and Recommendation, the Court adopts the conclusion in the Report and Recommendation, and it is hereby

ORDERED that plaintiff's motion (Dkt. No. 88) is granted with summary judgment granted on the claims asserted against defendant Timothy S. Dembski.

This matter is recommitted to Magistrate Judge Leslie G. Foschio for pursuant to the terms of the existing referral order for further proceedings with respect to the issue of damages.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 10, 2021