King v. James et al Doc. 42

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

BARBARA J. KING,

Plaintiff,

DECISION AND ORDER 14-CV-974-A

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TERENCE JAMES, Individually and as Assistant General Manager and Human Resources; UNIQUEST HOSPITALITY, LLC,

Defendants.

This action was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct or pretrial proceedings. On November 18, 2016, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 28) recommending that defendant Uniquest Hospitality's motion pursuant to Fed. R. Civ. P. 56 for summary judgment (Dkt. No. 21) be granted, except with respect to plaintiff Barbara King's Equal Pay Act claim, 29 U.S.C. § 206(d) et seq., and except with respect to her retaliation claims, 42 U.S.C.§ 2000e–3(a); N.Y.McKinney's Executive Law § 290 et seq., to the extent the retaliation claims relate to the elimination of the Guest Ambassador position, without prejudice to defendant's ability to file a renewed summary judgment motion as to these retaliation claims following a limited period of discovery. The Report and Recommendation further recommends defendant Terence James' motion for summary judgment (Dkt. No. 21) be granted.

The Court has carefully reviewed the Report and Recommendation, the

objections, responses, and replies submitted by the parties, and upon de novo review

pursuant to 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED, pursuant to 28 U.S.C. § 636(b)(1), that the Report and

Recommendation (Dkt. No. 28) of Magistrate Judge Roemer is hereby accepted in full

and adopted as the ruling of the Court upon the Defendants' motion for summary

judgment (Dkt. No. 21), and it is further

**ORDERED** that the case is recommitted to Magistrate Judge Roemer for the

completion of pretrial proceedings consistent with the Court's prior Text Order

Referring Case. Dkt. No. 20.

IT IS SO ORDERED.

Richard J. Arcara

HONORABLE RICHARD J. ARCARA UNITED STATES DISTRICT COURT

Dated: April 10, 2016

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