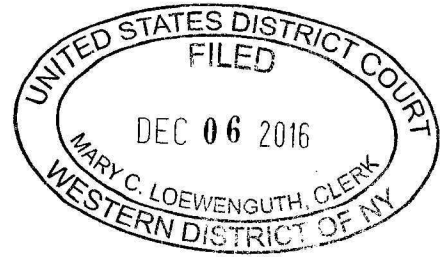


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



NELSON ORTIZ,

Plaintiff,

v.

JCPENNEY, SCHINDLER ELEVATORS
& ESCALATORS IN BUFFALO, and
SCHINDLER ELEVATOR CORPORATION,

Defendants.

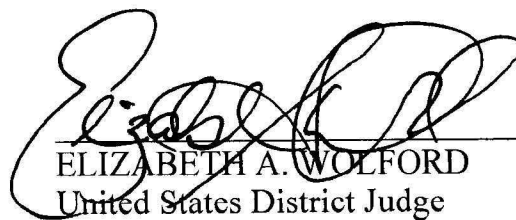
DECISION AND ORDER

1:16-CV-0569 EAW

The above-referenced case was referred to United States Magistrate Judge Hugh B. Scott to hear and report on dispositive motions, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). (Dkt. 9). On November 15, 2016, Magistrate Judge Scott issued a thorough and comprehensive Report and Recommendation (Dkt. 16), recommending that the plaintiff's motion to remand (Dkt. 8) be granted, and that the defendants' cross-motion seeking leave to amend their answer and notice of removal (Dkt. 11) be denied. No objections to that Report and Recommendation were filed by either party.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. Based upon that review, and for the reasons more fully set forth in the Report and Recommendation, the Report and Recommendation is adopted in its entirety, the plaintiff's motion to remand (Dkt. 8) is granted, and the defendants' cross-motion (Dkt. 11) is denied.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: December 6, 2016
Rochester, New York