

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



SHARON M. KNOPE,

Plaintiff,

v.

16-cv-809 (JLS) (HBS)

WILLIAM P. BARR, in his official
capacity as Attorney General of the
United States,

Defendant.

DECISION AND ORDER

Plaintiff Sharon M. Knope commenced this action on October 11, 2016, alleging employment discrimination claims against the Attorney General of the United States based on her employment as the Victim Witness Coordinator for the U.S. Attorney's Office for the Western District of New York. Dkt. 1.¹ As relevant here, Knope asserted claims for disability, gender, and age discrimination, related hostile work environment and retaliation claims, and a claim for failure to provide a reasonable accommodation. Dkt. 28, at 16-22. Knope's claims stem from her employment as Victim Witness Coordinator, the harassment and efforts to remove

¹ Knope filed an amended complaint on April 27, 2017, and a second amended complaint on September 26, 2017. Dkts. 17, 28. The amended complaints swapped out the defendant to reflect a change in the Attorney General of the United States, added substantive allegations to the "Absent Without Leave Charge" section, and corrected some typos, but the allegations remained substantively the same, and Knope did not add to or alter her causes of action. *Compare* Dkt. 1, *with* Dkt. 17 and Dkt. 28.

her from the office that she perceived, her request to remove the on-call portion of her job duties, and her eventual departure from the office between late-2015 and early-2016. *See generally* Dkt. 28, at 4-14.

After Defendant answered the original complaint, the Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C).² Dkt. 7. Defendant moved for summary judgment on May 31, 2019. Dkt. 45. Knope responded in opposition on August 12, 2019, and Defendant replied on September 23, 2019. Dkts. 55, 56, 59. And on October 8, 2019, Judge Scott issued a Report and Recommendation (“R&R”), recommending that this Court grant Defendant’s motion for summary judgment. Dkt. 60.

Knope objected to the R&R on October 25, 2019. Dkt. 63. She objected to certain aspects of the R&R’s introduction, factual summary, and background information. *See id.* at 2-4. She also objected to dismissal of her:

1. Claim for failure to accommodate, arguing that her inability to work any job as of December 7, 2015 did not require dismissal of that claim;
2. Hostile work environment claim,³ arguing that a question of fact required submission of that claim to a jury;

² Hon. Lawrence J. Vilardo, who was previously assigned to this case, issued the dispositive referral order. Dkt. 7. On January 6, 2020, this case was reassigned to the undersigned. Dkt. 66.

³ Knope raised hostile work environment claims based on disability and gender. *See* Dkt. 28, at 17, 20. But her objections appear to address only her disability-based claim. *See* Dkt. 63, at 6-8.

3. Gender discrimination claim, citing evidence that males were given preferential treatment in her office; and
4. Retaliation claims, arguing that she presented clear evidence that a retaliatory animus toward her existed.

See Dkt. 63 at 4-9. Knope argues that this Court must reject the R&R because the R&R erred in considering certain facts, reached incorrect legal conclusions, misapplied caselaw, and encroached on factual matters reserved for a jury. *See id.* at 10. Defendant responded in opposition to Knope's objections on November 12, 2019. Dkt. 65. Knope did not file a reply.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

This Court carefully reviewed the R&R and the relevant record. Based on that *de novo* review, the Court accepts Judge Scott's recommendation to grant Defendant's motion for summary judgment.

For the reasons stated above and in the R&R, the Court GRANTS Defendant's motion for summary judgment (Dkt. 45). Knope's second amended complaint (Dkt. 28) is DISMISSED, with prejudice. The Clerk of Court shall close this case.

SO ORDERED.

Dated: September 2, 2020
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE