

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TODD ALBEE,

Plaintiff,

v.

VERIZON NEW YORK INC.,

Defendant.

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23-CV-551 (JLS) (HKS)

DECISION AND ORDER

Plaintiff Todd Albee commenced an action in Supreme Court, Erie County on May 9, 2023 asserting claims against his former employer, Defendant Verizon New York Inc. (“Verizon”), for breach of contract, age discrimination, disability discrimination, negligence, prima facie tort, and negligent infliction of emotional distress. *See* Dkt. 1-1.<sup>1</sup> Verizon removed the action on June 16, 2023. Dkt. 1. On July 5, 2023, this Court referred the case to United States Magistrate Judge H. Kenneth Schroeder for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 8.

On July 14, 2023, Verizon moved to dismiss. Dkt. 10. Plaintiff responded in opposition, Dkt. 14, and Defendant replied. Dkt. 16. On December 4, 2023, Judge

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<sup>1</sup> Unless otherwise noted, page references are to the numbering automatically generated by CM/ECF, which appears in the header of each page.


Schroeder issued a Report, Recommendation, and Order (“R&R”) recommending that this Court grant Verizon’s [10] motion to dismiss. Neither party filed objections, and the time to do so has expired.

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 a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Though not required to do so, this Court carefully reviewed the R&R and the relevant record. Based on that review, the Court accepts and adopts Judge Schroeder’s recommendation. Thus, for the reasons state above and in the R&R, this Court GRANTS Verizon’s motion to dismiss and the Complaint is DISMISSED. The Clerk of Court shall close this case.

SO ORDERED.

Dated: January 8, 2024  
Buffalo, New York



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JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE