

Therefore, Magistrate Judge McHargh's Report and Recommendation is **ADOPTED** and Defendant, United Parcel Service's Motion to Dismiss is granted, Defendant, Teamsters Local 407's Motion for Summary Judgment is granted, and the complaint is dismissed.

IT IS SO ORDERED.

Dated: May 27, 2010

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE