

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NEW YORK

Barbara Green v. General Motors

Green · No. 24-CV-33 (JLS) (MJR) · Decided April 21, 2026

SUMMARY

The United States District Court for the Western District of New York adopts a magistrate judge's Report and Recommendation and grants General Motors' motion for summary judgment in Barbara Green's New York State Human Rights Law retaliation action. The court rejects Green's objections concerning the applicable retaliation standard, factual disputes, pretext, retaliatory animus, and evidentiary issues, and directs the Clerk to close the case.

OPINION

Green

PER CURIAM.

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UNITED STATES DISTRICT COURT SS

WESTERN DISTRICT OF NEW YORK APR 7 1 2026

_____ Mop. a Oe BARBARA GREEN, OR vosrai Plaintiff,

v. 24-CV-33 (JLS) (MJR)

GENERAL MOTORS,

Defendant.

DECISION AND ORDER

Plaintiff Barbara Green filed a complaint in Supreme Court, Erie County on August 30, 2023, asserting a claim for retaliation for opposing discrimination in violation of the New York State Human Rights Law. See Dkt. 1-1. Defendant removed the action to this Court on January 8, 2024. Dkt. 1. The case has been referred to United States Magistrate Judge Michael J. Roemer for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 7. Defendant moved for summary judgment on March 5, 2025. Dkt. 20. Plaintiff opposed the motion, Dkt. 23, and Defendant replied. Dkt. 26. On January 29, 2026, Judge Roemer issued a Report and Recommendation ("R&R") recommending that this Court grant Defendant's motion. Dkt. 28. Plaintiff objected to the R&R. Dkt. 31. She argues that "R&R errs by: (1) misapplying the New York State Human Rights Law's (NYSHRL' post-2019 retaliation standard, including its 'reasonably likely to deter' and 'played any part' causation standards; (2) resolving factual disputes and making impermissible credibility determinations regarding Ms. Green's August 27, 2020 discipline; (3) discounting evidence of pretext and retaliatory animus, including disparate

treatment and the record of internal reactions to Ms. Green's protected activity; and (4) improperly excluding credible evidence Ms. Green submitted in opposition to Defendant's motion." Id. at 5. Defendant opposed the objections, Dkt. 35, and Plaintiff replied. Dkt. 36. 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)(8). 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). This Court carefully reviewed the R&R, the objections briefing, and the relevant record. Based on its de novo review, the Court accepts and adopts Judge Roemer's recommendation. For the reasons above and in the R&R, Defendant's [20] motion for summary judgment is GRANTED. The Clerk of Court shall close this case. SO ORDERED. Dated: April 21, 2026 Buffalo, New York (if A \ JOHN EL. SINATRA, JR.

UNITED STATES DISTRICT JUDGE