

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NEW YORK**

Danielle Esposito v. Erie County Medical Center

Esposito · No. 25-CV-58 (JLS) (HKS) · Decided May 26, 2026

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK MAY 26 2026 et DANIELLE ESPOSITO, Plaintiff, v. 25-CV-58 (JLS) (HKS) ERIE COUNTY MEDICAL CENTER, Defendant. DECISION AND ORDER Plaintiff Danielle Esposito commenced this action on January 17, 2025, alleging claims of retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. (“Title VII”) and the New York Human Rights Law, N.Y.

Exec. Law § 296 et seq. (“NYHRL”) against Defendant Erie County Medical Center. See Dkt. 1. The case has been referred to United States Magistrate Judge H. Kenneth Schroeder, Jr. for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 8.

On April 15, 2025, Defendant filed a motion to dismiss. Dkt. 7. Plaintiff filed a memorandum in opposition to Defendant’s motion to dismiss and in support of her cross-motion for leave to file an amended complaint. Dkt. 11-1. Defendant filed a reply memorandum of law in further support of its motion to dismiss and in opposition to Plaintiffs cross-motion for leave to file an amended complaint.

Dkt. 12. On March 16, 2026, Judge Schroeder issued a Report and Recommendation (“R&R”), which recommended that this Court deny Defendant’s [7] motion to dismiss and grant Plaintiffs [11] motion for leave to amend. See Dkt. 18. Defendant objected to the R&R. Dkt. 16.

In particular, Defendant objected to the portion of the R&R which recommends that this Court deny Defendant’s motion to dismiss Plaintiffs claims under Title VII and NYHRL. *Jd.* at 1.1 Defendant did not object to the portion of the R&R recommending that this Court grant Plaintiff leave to amend her Complaint. *Jd.* Plaintiff opposed the objections, Dkt. 17, and Defendant replied.

Dkt. 18. 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. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). 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 and the relevant record. Based on its de novo review of the R&R's recommendations, the Court accepts and adopts Judge Schroeder's recommended disposition of Defendant's motion and Plaintiffs cross-motion. 1 Page numbers refer to the CM/ECF generated numbering in the header of each page.

For the reasons stated above and in the R&R, the Court DENIES Defendant's [7] motion to dismiss and GRANTS Plaintiffs [11] motion for leave to amend her complaint. The Court refers the case back to Judge Schroeder for further proceedings consistent with the referral order at Dkt. 8. SO ORDERED. Dated: May 26, 2026 \ Buffalo, New York "Si JOHN T\SINATRA, JR. UM D STATES DISTRICT JUDGE