

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALISON HELMS, as Executrix of the Estate
of Thomas H. Grant,

Plaintiff,

DECISION AND ORDER

09-CV-793A

v.

THE VANGUARD GROUP, INC.,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). By letter dated October 15, 2010,¹ plaintiff moved for an order compelling defendant to respond to Requests 3 and 5 of a First Document Request dated October 17, 2007; to plaintiff's First Set of Interrogatories; and to plaintiff's Requests to Admit. On July 27, 2011, Magistrate Judge Schroeder issued a Decision and Order (Dkt. No. 30) granting plaintiff's motion in part to compel defendant to respond to plaintiff's requests to admit but otherwise denying the motion.

Plaintiff filed objections to the Decision and Order on August 10, 2011. Defendant filed responding papers on August 25, 2011. The Court has deemed

¹ The letter does not appear to have its own docket entry but appears in the record as Docket No. 33-3.

the matter submitted on papers pursuant to Rule 78(b) of the Federal Rules of Civil Procedure.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court “may reconsider any pretrial matter under this [section] where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” The Court has reviewed defendant’s objections and Magistrate Judge Schroeder’s Decision and Order. Upon such review, the Court finds that Magistrate Judge Schroeder’s Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order.

This case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED:September 1, 2011