

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JOHN WARD, JR.

PLAINTIFF

v.

Civil No. 08-4022

CISCO SYSTEMS, INC.

DEFENDANT

ORDER

Now on this 18th day of December, 2009, comes on for consideration **Cisco Systems, Inc.'s Motion and Brief for District Judge to Reconsider Magistrate Judge's Order Denying Cisco's Motion to Compel Production of Documents** (document #150) and the response and thereto. The Court, being well and sufficiently advised, finds and orders as follows:

1. On November 2, 2009, the Court referred **Defendant Cisco Systems, Inc.'s Motion to Compel Responses to Cisco System, Inc.'s First Request for Production and Brief in Support Thereof** (document #101) to United States Magistrate Judge Erin L. Setser.

2. Following a telephonic hearing, Judge Setser entered an Order, on November 4, 2009, granting in part, and denying in part the motion to compel (document #138).

3. On November 16, 2009, Defendant Cisco filed two (2) motions seeking reconsideration of Judge Setser's Order:

* the instant motion, **Cisco Systems, Inc.'s Motion and Brief**

for District Judge to Reconsider Magistrate Judge's Order Denying Cisco's Motion to Compel Production of Documents (document #150); and,

* **Cisco Systems, Inc.'s Motion and Brief for Magistrate Judge to Reconsider Order Denying Cisco's Motion to Compel Production of Documents Based on Misrepresentations to the Court** (document #151).

4. In addition to the issues concerning defendant's Requests for Production Nos. 4, 5, 9, 11, and 17 presented to Judge Setser in document #151, Cisco also seeks reconsideration of Judge Setser's ruling concerning defendant's Request for Production No. 12.

5. According to 28 U.S.C. § 636, this Court may reconsider a ruling of a Magistrate Judge pretrial matters "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." See also Ferguson v. U.S., 484 F.3d 1068, 1077 (8th Cir. 2007).

6. The Court, having reviewed the instant motion, the plaintiff's response, and Judge Setser's rulings on both documents #101 and #151, finds no evidence that Judge Setser's ruling on document #101 is clearly erroneous or contrary to the law, and therefore, finds that **Cisco Systems, Inc.'s Motion and Brief for District Judge to Reconsider Magistrate Judge's Order Denying**

Cisco's Motion to Compel Production of Documents (document #150)
should be, and hereby is, **DENIED**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE