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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA EARTHQUAKE  
AUTHORITY,

Plaintiff,

v.

METROPOLITAN WEST  
SECURITIES, LLC, et al.,

Defendants.

No. 2:10-cv-00291-MCE-GGH

**ORDER**

Through this action, Plaintiff California Earthquake Authority (“CEA”) seeks recovery of the majority of Defendant Metropolitan West Securities, LLC’s investment of approximately \$62 million of CEA funds into Mainsail, a structured investment vehicle holding residential mortgage backed securities. On October 18, 2012, CEA served a third-party subpoena on non-party Wells Capital Management, Inc. and Wells Fargo Funds Management, LLC (successor by merger to Evergreen Investment Management Company, LLC (“Evergreen”). (ECF No. 105 at 4-5.) The subpoena contained four requests for production. Evergreen served its Objections to CEA’s subpoena on October 31, 2012. (See ECF No. 105-2.) CEA then moved to compel the production of those documents from Evergreen. (See ECF No. 104.)

1 On November 21, 2012, pursuant to Federal Rule of Civil Procedure 26(b)<sup>1</sup>,  
2 Magistrate Judge Hollows issued an Order directing Evergreen to produce certain  
3 documents responsive to CEA's requests for production, in accordance with parameters  
4 set forth in the Order. (ECF No. 110 at 10.) Judge Hollows found that those documents  
5 were potentially relevant to the instant litigation, as the subpoena appears reasonably  
6 calculated to lead to the discovery of admissible evidence. (*Id.* at 9.) Presently pending  
7 before the Court is Evergreen's Request for Reconsideration by the District Judge of the  
8 Magistrate Judge's Ruling. (ECF No. 115).


9 In reviewing a magistrate judge's determination, the assigned judge shall apply  
10 the "clearly erroneous or contrary to law" standard of review set forth in Local Rule  
11 303(f), as specifically authorized by Rule 72(a) and 28 U.S.C. § 636(b)(1)(A). Under this  
12 standard, the Court must accept the Magistrate Judge's decision unless it has a "definite  
13 and firm conviction that a mistake has been committed." Concrete Pipe & Prods. of Cal.,  
14 Inc. v. Constr. Laborers Pension Trust for S. Cal., 508 U.S. 602, 622 (1993). If the Court  
15 believes the conclusions reached by the Magistrate Judge were at least plausible, after  
16 considering the record in its entirety, the Court will not reverse even if convinced that it  
17 would have weighed the evidence differently. Phoenix Eng. & Supply Inc. v. Universal  
18 Elec. Co., Inc., 104 F.3d 1137, 1141 (9th Cir.1997).

19 Upon review of the entire file, the Court finds that the Magistrate Judge's ruling  
20 was not clearly erroneous or contrary to law. The November 21, 2012, Order is  
21 therefore affirmed.

22 Accordingly, IT IS HEREBY ORDERED that:

- 23 1. The Request for Reconsideration (ECF No. 115) is DENIED; and
- 24 2. The Magistrate Judge's Order (ECF No. 110) is AFFIRMED.

25 Dated: December 21, 2012

26   
27 MORRISON C. ENGLAND, JR.  
28 UNITED STATES DISTRICT JUDGE

<sup>1</sup> All further references to "Rule" or "Rules" are to the Federal Rules of Civil Procedure, unless otherwise noted.