Case 2:16-cv-02989-MCE-AC Document 203 Filed 08/18/21 Page 1 of 3

CRYSTAL LAKES,

٧.

Plaintiff.

Defendant.

BATH & BODY WORKS, LLC.,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

No. 2:16-cv-02989-MCE-AC

ORDER

In bringing the present Request for Reconsideration (ECF No. 199), Plaintiff
Crystal Lakes ("Plaintiff") asks this Court to reverse the Magistrate Judge's
December 29, 2020, Order (ECF No. 198) denying Plaintiff's Motion for Leave to
Conduct Limited Discovery. ECF No. 178. Plaintiff's Motion urges the Court to reopen
discovery, which has now been closed for over three years, on grounds that Defendant
Bath & Body Works, LLC, ("Defendant") has not been forthcoming in representing that
no documents evidencing the "silent recall" of three-wick candles existed. On July 9,
2021, (ECF No. 202) the Court already rejected the same arguments in declining
Plaintiff's earlier reconsideration request (ECF No. 175) as to the Magistrate Judge's
denial of Plaintiff's Motion for an Order to Show Cause re Contempt and for Sanctions.
ECF No. 163. The present motion essentially seeks additional discovery on the same

Case 2:16-cv-02989-MCE-AC Document 203 Filed 08/18/21 Page 2 of 3

grounds, but under the different procedural guise of actually reopening discovery instead of ordering discovery as an adjunct to ordering contempt and/or imposing sanctions.

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

After reviewing the entire file, this Court cannot say that the Magistrate Judge's decisions outlined above were clearly erroneous. The Magistrate Judge correctly notes that no evidence has been presented to suggest that "re-opening the long-closed discovery phase of this case would be fruitful." ECF No. 198, 6:24-26. In the absence of any such evidence justifying additional discovery, mere conjecture as to what discovery might show is insufficient to demonstrate the good cause needed to reopen discovery at this juncture. In addition, the issue has already been addressed and rejected in prior

21 ///

22 | ///

23 ///

24 ///

25 ///

¹ Federal Rule of Civil Procedure 72(a) directs the district court judge to "modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law." Similarly, under 28 U.S.C. § 636(b)(1)(A), the district judge may reconsider any pretrial order "where it is shown that the magistrate's order is clearly erroneous or contrary to law."

Case 2:16-cv-02989-MCE-AC Document 203 Filed 08/18/21 Page 3 of 3 motion proceedings in any event. Plaintiff's Request for Reconsideration (ECF No. 199) is accordingly DENIED.² IT IS SO ORDERED. Dated: August 17, 2021 MORRISON C. ENGLAND. SENIOR UNITED STATES DISTRICT JUDGE ² To the extent Plaintiff's Motion for Reconsideration also objects to the Magistrate Judge's

December 29, 2020, Order (ECF No. 198), those objections are OVERRULED.