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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAS HEZEKIAH TAFARI,
Plaintiff,
v.
MEGAN J. BRENNAN,
Defendant.

No. 2:17-cv-00113-MCE-EFB

ORDER

Plaintiff Ras Hezekiah Tafari (“Plaintiff”) seeks reconsideration of the Magistrate Judge’s order, ECF No. 86, denying his Motion to Exclude Defendant Megan Brennan’s (“Defendant”) undisclosed witnesses and additional documents under Federal Rule of Civil Procedure 37(c), ECF No. 76.¹ For the reasons set forth below, Plaintiff’s Motion, ECF No. 94, is DENIED.

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 Rule 72(a) and 28 U.S.C. § 636(b)(1)(A). 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.,

¹ All further references to “Rule” or “Rules” are to the Federal Rules of Civil Procedure, unless otherwise noted.


1 Inc. v. Constr. Laborers Pension Trust for S. Cal., 508 U.S. 602, 622 (1993). If the Court
2 believes the conclusions reached by the magistrate judge were at least plausible, after
3 considering the record in its entirety, the Court will not reverse even if convinced that it
4 would have weighed the evidence differently. Phoenix Eng. & Supply Inc. v. Universal
5 Elec. Co., Inc., 104 F.3d 1137, 1141 (9th Cir. 1997).

6 Here, Plaintiff claims that Defendant's failure to comply with Rule 26(a) disclosure
7 requirements prevented him from deposing witnesses and conducting discovery. ECF
8 No. 94, at 4:18-20. However, a review of the hearing transcript on the matter shows
9 Plaintiff deposed two witnesses and was not harmed when Defendant revealed the
10 names of the remaining witnesses in supplemental disclosures. See Transcript, ECF
11 No. 93, at 8. The Court thus finds that the Magistrate Judge's ruling was not clearly
12 erroneous or contrary to law, and the May 6, 2019, Order is therefore affirmed.

13 Accordingly, Plaintiff's Motion for Reconsideration (ECF No. 94) is DENIED and
14 the Magistrate Judge's Order (ECF No. 86) is AFFIRMED.

15 IT IS SO ORDERED.

16 Dated: November 4, 2019

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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