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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MIGUEL CASTANEDA, KATHERINE  
 CORBETT, and JOSEPH WELLNER, on  
 behalf of themselves and others similarly  
 situated,

No. C 08-04262 WHA

Plaintiffs,

v.

BURGER KING CORPORATION,

Defendant.

**ORDER DENYING DEFENDANT  
 BURGER KING CORPORATION'S  
 OBJECTIONS TO NOVEMBER 25  
 DISCOVERY ORDER**

On November 25, 2009, Magistrate Judge Larson issued a discovery order in this action granting plaintiffs leave to serve five additional interrogatories. On December 14, 2009, defendant Burger King Corporation objected to that discovery order pursuant to Federal Rule of Civil Procedure 72(a). Rule 72(a) states:

A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to.

The deadline for objections to the November 25 discovery order was December 9.<sup>1</sup>

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<sup>1</sup> The Federal Rules of Civil Procedure were revised effective as of December 1, 2009. Under the previous Rule 72(a) objections had to be filed within 10 days excluding weekends and holidays which in this instance would have resulted in a deadline of December 10, 2009. Defendant's objections would have been untimely under the previous rules as well. Pursuant to Rule 6(d), three days are added to the deadline to respond if service is made under Rule 5(b)(2)(C), (D), (E) or (F). Even assuming *arguendo* that this 3-day extension applies to Magistrate Larson's order pursuant to Rule 72(a), defendant's objections would still be untimely.

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Defendant Burger King Corporation's objections are therefore untimely. They are accordingly  
**DENIED.**

**IT IS SO ORDERED.**

Dated: December 23, 2009.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE