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E-Filed 8/3/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RANDALL HUCK,

No. C 10-1845 RS

Plaintiff,

ORDER OVERRULING OBJECTION

v.

KONE, INC.,

Defendant.

I. INTRODUCTION

On July 11, 2011, plaintiff Huck filed an objection to a Magistrate Judge’s non-dispositive pretrial Order denying plaintiff’s motion to compel. This Court set a briefing schedule. Upon review of the underlying Order and the parties’ briefing, it is clear the objection must be overruled.

II. LEGAL STANDARD AND DISCUSSION


A District Court may set aside or modify a Magistrate Judge’s ruling on a non-dispositive matter if the order is “clearly erroneous” or “contrary to law.” 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); *Bahn v. NME Hospitals, Inc.*, 929 F.2d 1404, 1414 (9th Cir. 1991). Huck contends the Magistrate Judge’s Order denying his motion to compel “failed to apply” Federal Rules of Civil Procedure 26 and 34 or “any other” legal authority. (Pl.’s Mt. at 2:6-8.) In his motion to compel responses to his requests for production of documents, Huck lodged two complaints. First, he

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1 argued Kone had failed to produce *all* documents responsive to his request, such as his complete
2 personnel record. Second, Huck complained that he had not received a privilege log from Kone,
3 despite the fact that the defendant objected to certain discovery requests on the grounds that the
4 information sought was proprietary. In response, Kone informed the Court that it had produced
5 documents in response to Huck’s request on two occasions: the first on April 9, 2011 and the second
6 on June 9, 2011. It professed to have produced *all* documents in its control and possession
7 responsive to Huck’s request. Further, it represented that it continues efforts to locate any further
8 documents. As to its objections, Kone explained that it has not *withheld* any documents based upon
9 them. The Magistrate Judge, finding no evidence that any responsive documents had in fact been
10 withheld, much less that they were withheld improperly, denied the motion to compel and found the
11 privilege log objection moot. Although Huck plainly disagrees with that finding, he presents no
12 explanation as to *how* it was “clearly erroneous” or “contrary to” the Federal Rules of Civil
13 Procedure. Huck had a full and fair opportunity to brief his motion, his complaints were considered,
14 and the Magistrate Judge found that Kone had complied with its discovery obligations. There is no
15 supportable reason to overturn that decision, and Huck’s objection is overruled.

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17 IT IS SO ORDERED.

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19 Dated: 8/3/11

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE