

E-Filed 4/4/2011

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

LOS ALTOS EL GRANADA INVESTORS, a
California limited partnership, doing business as
CASTLE MOBILE ESTATES,

Plaintiff,

v.

CITY OF CAPITOLA, et al.,

Defendants.

Case Number 5:04-cv-05138-JF

ORDER¹ DENYING DR. KENNETH
BAAR'S MOTION FOR RELIEF
FROM NON-DISPOSITIVE
PRETRIAL ORDER OF
MAGISTRATE JUDGE RE DENIAL
OF ATTORNEYS' FEES

On January 26, 2011, Plaintiff served a subpoena upon non-party Dr. Kenneth Baar ("Baar"), requiring him to produce documents and appear for deposition. Baar moved to quash the subpoena or alternatively for a protective order, and for sanctions against Plaintiff. On March 11, 2011, Magistrate Judge Paul Grewal issued an order denying the motion to quash, granting in part the alternative motion for a protective order, and denying the motion for sanctions. Baar seeks relief from the denial of his sanctions motion.

¹ This disposition is not designated for publication in the official reports.

1 Judge Grewal's ruling is not "clearly erroneous or contrary to law." *See* Fed. R. Civ. P.
2 72(a). As Judge Grewal noted in footnote 13 of his order, Baar's motion to quash was denied.
3 Baar's alternative motion for a protective order was granted only in part. Under these
4 circumstances, it was well within Judge Grewal's discretion to deny Baar's motion for sanctions.
5 Accordingly, the motion for relief will be DENIED.

6 IT IS SO ORDERED.

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9 DATED: 4/4/2011

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11 JEREMY FOGEL
12 United States District Judge
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