

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Jens Erik Sorensen,

NO. C 08-00095 JW

Plaintiff,

**ORDER OVERRULING PLAINTIFF'S  
OBJECTIONS TO MAGISTRATE  
JUDGE'S ORDER**

v.

Lexar Media, Inc.,

Defendant.

---

Presently before the Court are Plaintiff's Objections to Magistrate Judge Seeborg's December 22, 2008 Order re: Discovery Motions. (hereafter, "Objections," Docket Item No. 118.)

On December 22, 2008, Magistrate Judge Seeborg ordered Plaintiff to produce drafts and proposals of various license agreements. (December 22, 2008 Order re: Discovery Motions at 3-4, hereafter, "Dec. 22 Order," Docket Item No. 117.) Plaintiff objects to Judge Seeborg's order, on the grounds that, *inter alia*, Judge Seeborg did not balance hardships, production will visit irreparable harm upon Plaintiff, the documents sought are not probative of any relevant issues, and the operative protective order fails to protect Plaintiff from harm. (Objections at 1-2.)

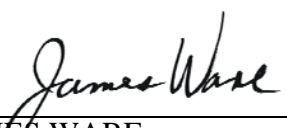
A district court may modify a magistrate judge's ruling on a non-dispositive matter, such as an order to compel discovery, if the order is "clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Bahn v. NME Hospitals, Inc., 929 F.2d 1404, 1414 (9th Cir. 1991). Pursuant to Civil Local Rule 72-2, the court may not grant a motion objecting to a Magistrate Judge's order without first giving the opposing party an opportunity to brief the matter. See Civ. L.R. 72-2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Upon review of the December 22 discovery order, the Court finds that Judge Seeborg considered the relevance of the requested documents and the burden of production on Plaintiff. Judge Seeborg specifically directed the parties to work together to minimize the burden of production. To the extent Plaintiff feels that the operative protective order is insufficient to minimize the harm of production to Plaintiff, the appropriate remedy is to seek modification of the protective order from Judge Seeborg.

Accordingly, the Court finds that Judge Seeborg's ruling was not clearly erroneous and **OVERRULES** Plaintiff's objections to his December 22, 2008 Order re: Discovery Motions.

Dated: January 16, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James Michael Kaler michael@kalerlaw.com  
3 Jared Bobrow jared.bobrow@weil.com  
4 Joseph Hyuk Lee joseph.lee@weil.com  
5 Kimberly K. Dodd kdodd@foley.com  
6 Melody Ann Kramer mak@kramerlawip.com

7 **Dated: January 16, 2009**

**Richard W. Wieking, Clerk**

8 **By:           /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28