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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

HONGWEI ZHANG, and individual,

Plaintiff,

vs.

UNITED TECHNOLOGIES
CORPORATION, et al.,

Defendants.

CASE NO. 10cv0660 DMS (MDD)

**ORDER OVERRULING
PLAINTIFF'S OBJECTION TO
MAGISTRATE JUDGE'S
SEPTEMBER 6, 2011 ORDER**

This case comes before the Court on Plaintiff's objection to Magistrate Judge Mitchell D. Dembin's September 6, 2011 Order Denying Plaintiff's Motion to Compel Production of Documents. Defendants filed an opposition to Plaintiff's objection, and Plaintiff filed a reply. After reviewing these briefs, the Court overrules Plaintiff's objection.

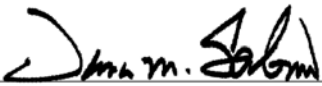
A magistrate judge's decision on a nondispositive issue is reviewed by the district court under the "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A); *United States v. Raddatz*, 447 U.S. 667, 673 (1980); *Bhan v. NME Hospitals, Inc.*, 929 F.2d 1404, 1414 (9th Cir. 1991). "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire record is left with the definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948). In contrast, the "contrary to law" standard permits independent review of purely legal determinations by a magistrate judge. *See e.g., Haines v.*

1 *Liggetts Group, Inc.*, 975 F.2d 81, 91 (3d Cir. 1992); *Medical Imaging Centers of America, Inc. v.*
2 *Lichtenstein*, 917 F.Supp. 717, 719 (S.D. Cal. 1996). Thus, the district court should exercise its
3 independent judgment with respect to a magistrate judge’s legal conclusions. *Gandee v. Glaser*, 785
4 F.Supp. 684, 686 (S.D. Ohio 1992).

5 Here, Plaintiff objects to the Magistrate Judge’s Order to the extent it relies on Judge Skomal’s
6 rule providing that discovery disputes must be brought to the Court’s attention within thirty days “after
7 the date upon which the event giving rise to the dispute occurred absent good cause[.]” The Magistrate
8 Judge’s reliance on that rule to deny Plaintiff’s motion was neither clearly erroneous nor contrary to law.
9 Therefore, the Court overrules Plaintiff’s objection to the Magistrate Judge’s order. The Court notes,
10 however, that Defendants have a continuing obligation to supplement their discovery responses if they
11 “learn[] that in some material respect the disclosure or response is incomplete or incorrect, and if the
12 additional or corrective information has not otherwise been made known to the other parties during the
13 discovery process or in writing[.]” Fed. R. Civ. P. 26(e)(1)(A). Thus, even though the Court denied
14 Plaintiff’s motion to compel, if Defendants have documents responsive to Plaintiff’s document requests
15 that they have not yet produced, they should do so pursuant to Rule 26(e)(1)(A).

16 **IT IS SO ORDERED.**

17 DATED: October 20, 2011

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20 HON. DANA M. SABRAW
21 United States District Judge
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