

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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JOSEPH UMBACH	:	3:08 CV 484 (EBB)
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	:	
V.	:	
	:	
CARRINGTON INVESTMENT PARTNERS	:	DATE: NOVEMBER 14, 2012
(US), LP, CARRINGTON CAPITAL	:	
MANAGEMENT, LLC and BRUCE ROSE	:	
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RULING FOLLOWING SUPPLEMENTAL IN CAMERA REVIEW

The factual and procedural history behind this far too acrimonious litigation has been set forth in considerable detail in the substantive rulings of Senior U.S. District Judge Ellen Bree Burns, namely her Ruling on Defendants' Motion to Dismiss, filed February 18, 2009 (Dkt. #30), 2009 WL 413346, and her Ruling on Cross Motions for Summary Judgment, filed January 26, 2011 (Dkt. #137), 2011 WL 284590, as well as the multiple discovery rulings issued by this Magistrate Judge,¹ namely her Ruling on Plaintiff's Motion to Compel, and on Defendants' Motions to Compel, filed October 9, 2009 (Dkt. #74), 2009 WL 3287537, Ruling Regarding Defendants' Second Set of Interrogatories, filed January 22, 2010 (Dkt. #87), Ruling on Discovery Disputes, filed April 30, 2012 (Dkt. #158), Ruling on Discovery Dispute Regarding Costs, filed June 7, 2012 (Dkt. #159), Ruling on Discovery Disputes, filed September 24, 2012 (Dkt. #164), Ruling on Discovery Disputes, filed October 9, 2012 (Dkt. #165), Ruling Following In Camera Review, filed October 10, 2012 (Dkt. #166) ["October 10, 2012 Ruling"], Ruling Regarding Additional Deposition of Plaintiff, filed October 11, 2012 (Dkt. #167), and Ruling on Final Discovery Disputes, filed November 7, 2012 (Dkt.

¹On September 3, 2009, and again on October 1, 2009, Judge Burns referred the file to this Magistrate Judge for discovery. (Dkts. ##56, 72).

#168) ["November 7, 2012 Ruling"] familiarity with which is presumed.

Under the latest scheduling orders, all discovery is completed, except for the issues raised in the flurry of rulings issued in September-November 2012. (Dkt. #160; Dkt. #164, at 3; Dkt. #165, at 7-8; Dkt. #167, at 5; Dkt. #168, at 2-6).

The October 10, 2012 Ruling permitted disclosure of a limited number of BNP documents, limited to the time period of late June 2007 through late November 2007, and for the HSBC documents, limited to December 2006 and June-September 2007. (At 2-4). The November 7, 2012 Ruling, however, at defendants' request, expanded the time frame for HSBC documents to include December 2004 through December 2006, with an additional in camera review of the BNP documents. (At 2-3 & nn. 4-5).

After a careful supplemental review of the 929 pages provided by BNP, the following document are to be disclosed to defense counsel, with the same redactions as addressed in the October 10, 2012 Ruling at (2-3), for the period late November 2004 to late November 2006: pages 7-242, 512-64, 645-65, and 712-53.

This is not a Recommended Ruling but a Ruling on discovery, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.

See 28 U.S.C. § 636(b)(**written objections to ruling must be filed within fourteen calendar days after service of same**); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge's recommended ruling may preclude**

further appeal to Second Circuit); Caidor v. Onondaga County, 517 F.3d 601, 603-05 (2d Cir. 2008)(failure to file timely objection to Magistrate Judge’s discovery ruling will preclude further appeal to Second Circuit).

Dated at New Haven, Connecticut, this 14th day of November, 2012.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge