

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STACEY SUE BERLINGER, as
Beneficiaries to the Rosa B.
Schweiker Trust and all of
its related trusts aka
Stacey Berlinger O'Connor,
BRIAN BRUCE BERLINGER, and
HEATHER ANNE BERLINGER, as
Beneficiaries to the Rosa B.
Schweiker Trust and all of
its related trusts,

Plaintiffs,

v.

Case No: 2:11-cv-459-FtM-29CM

WELLS FARGO, N.A. AS
SUCCESSOR TO WACHOVIA BANK,
N.A., as Corporate Trustee
to the Rosa B. Schweiker
Trust, and all of its
related trusts,

Defendant/Third
Party Plaintiff

BRUCE D. BERLINGER and SUE
CASSELBERRY,

Third Party Defendants.

OPINION AND ORDER

This matter comes before the Court upon review of plaintiffs' Amended Objections to Magistrate Judge's Order (Doc. #340) filed on December 10, 2014. In their objections, plaintiffs allege that the Magistrate Judge erroneously denied the following motions: (1) Plaintiffs' Motion to Deem Plaintiffs' Request for Admissions to

Defendant Admitted (Doc. #295); (2) Plaintiffs' Motion to Compel Response to Plaintiffs' Fourth Request for Production (Doc. #297); and (3) Plaintiffs' Motion for Leave to Take Continued Deposition of William Ries (Doc. #286).

A magistrate judge is authorized to hear and determine pretrial matters regarding discovery disputes. 28 U.S.C. § 636(b)(1)(A); Local Rule 6.01, United States District Court, Middle District of Florida. A district judge may reconsider such matters only upon a showing that the magistrate judge's order was clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a). Having reviewed the Order (Doc. #334) and plaintiffs' objections (Doc. #340), the Court finds that the challenged order is not clearly erroneous or contrary to law.

The Magistrate Judge denied Plaintiffs' motions (Docs. #295, 297) as untimely because they were filed after the October 31, 2014, discovery deadline. The previously filed case management and scheduling order states that the Court may deny discovery motions filed after the discovery deadline as untimely. (Doc. #141.) Accordingly, plaintiffs' first two objections are overruled.

Plaintiffs also object to the Magistrate Judge's denial of Plaintiffs' Motion for Leave to Take Continued Deposition of William Ries (Doc. #286) asserting it contradicts the Court's prior orders. Plaintiffs assert that the Magistrate Judge erred when

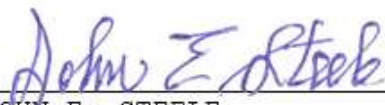
she found that opposing counsel did not impede, frustrate, or delay, the fair examination of Mr. Ries. (Doc. #334, pp.3-4.) The Court finds no error and overrules plaintiffs' objection.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

Plaintiffs' Amended Objections to Magistrate Judge's Order (Doc. #340) are **OVERRULLED**.

DONE and ORDERED at Fort Myers, Florida, this 22nd day of December, 2015.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Counsel of Record