

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD K. INGLIS, as
Special Trustee to the trust
under the will of Rosa B.
Schweiker, dated February 2,
1961, the Frederick W.
Berlinger Revocable Deed of
Trust, dated 10/17/1991, as
amended and restated,

Plaintiff,

v.

Case No: 2:14-cv-677-FtM-29CM

WELLS FARGO BANK N.A.,

Defendant.

OPINION AND ORDER

This matter comes before the Court upon review of plaintiff's Emergency Objections to Magistrate Judge's Order (Doc. #122) filed on September 26, 2016. Plaintiff objects to certain portions of the Magistrate Judge's September 23, 2016, Order (Doc. #118) which denied the following motions: (1) plaintiff's Second Motion for an Order Compelling Disclosure (Doc. #96); and (2) plaintiff's Motion for Extension of Time to Obtain Discovery from Defendant's Expert Witness (Doc. #110). For the reasons set forth below, plaintiff's objections are overruled.

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. #118) and plaintiff's objections (Doc. #122), the Court finds that the challenged Order is not clearly erroneous or contrary to law.

The Magistrate Judge denied plaintiff's Second Motion for an Order Compelling Disclosure (Doc. #96) finding that plaintiff failed to meet his burden to establish the relevancy of the documents requested. (Doc. #118, p. 6.) Plaintiff asserts that he met his burden and attempts to further establish relevancy by making arguments which were not brought before the Magistrate Judge. Although plaintiff disagrees with the findings of the Magistrate Judge, he fails to show such findings are clearly erroneous or contrary to law. Accordingly, plaintiff's first objection is overruled.

Plaintiff also objects to the Magistrate Judge's denial of plaintiff's Motion for Extension of Time to Obtain Discovery from Defendant's Expert Witness (Doc. #110) as moot. Plaintiff asserts the Magistrate Judge erred when she found the need for an extension of time was eliminated because defendant had already responded to plaintiff's discovery request. (Doc. #118, p. 8.) Plaintiff asserts his motion was not rendered moot, even though such items were previously produced, because defendant's expert witness does

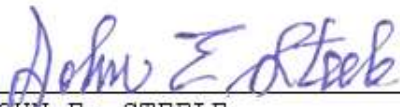
not sufficiently identify the documents. (Doc. #122, p. 3.) Plaintiff's argument regarding his inability to identify what documents the defendant's expert is referring to does not negate the fact that such documents were previously produced in discovery. Accordingly, the Court finds no clear error in the Magistrate Judge's determination and overrules plaintiff's objection.

Accordingly, it is hereby

ORDERED AND ADJUDGED:

Plaintiffs' Emergency Objections to Magistrate Judge's Order (Doc. #122) are **OVERRULLED**.

DONE and **ORDERED** in Fort Myers, Florida on this 29th day of September, 2016.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

SA: ftmp-2
Copies: All Parties of Record