

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CRAIG CHARLES,

Plaintiff,

v.

DONALD GAETZ, VIPIN K. SHAH,
CHRISTIE BROWN, K. DEEN and JACKIE
MILLER,

Defendants.

Case No. 13-cv-284-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on two objections to a March 31, 2015, order issued by Magistrate Judge Philip M. Frazier (Doc. 75). In that order, Magistrate Judge Frazier allowed defendant Christine Brown leave to amend her answer to correct an inadvertent error in her original pleading stemming from a misreading of the Court's threshold review order. Magistrate Judge Frazier further ordered Brown to pay the reasonable expenses plaintiff Craig Charles incurred in preparing a summary judgment motion and supporting memorandum based on that error. Charles objects to Magistrate Judge Frazier's decision to allow an amended answer (Doc. 78) and Brown objects to the award of all of Charles' expenses in filing the motion (Doc. 77).

A district court reviewing a magistrate judge's decision on nondispositive issues should modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). The Court may also *sua sponte* reconsider any matter determined by a magistrate judge. L.R. 73.1(a); *Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 760 (7th Cir. 2009).

The Court has reviewed Magistrate Judge Frazier's March 31, 2015, order and finds it is not clearly erroneous or contrary to law. The Court further finds reconsideration of that order is

not warranted. Magistrate Judge Frazier's order is consistent with the principles that cases should be decided on their merits rather than on technicalities and that parties should not be forced to bear financial burdens caused by another party's inadvertent mistake. To the extent Charles believes he needs additional discovery in light of Brown's amended answer, Magistrate Judge Frazier has reopened discovery through May 29, 2015. To the extent some of Charles' claimed expenses are not attributable to Brown's pleading error, she may raise that matter in an objection to his list of expenses.

For these reasons, the Court:

- **AFFIRMS** Magistrate Judge Frazier's March 31, 2015, order (Doc. 75);
- **OVERRULES** Brown's (Doc. 77) and Charles' (Doc. 78) objections; and
- **EXTENDS** the deadline for Charles to file his list of expenses to 14 days from the date of this order.

IT IS SO ORDERED.

DATED: April 28, 2015

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE