

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

JEREMY DIXON,)
Plaintiff,)
vs.) 4:10-cv-72-SEB-WGH
JOHN BRYSON,)
Secretary of Commerce,)
Defendant.)

**ORDER DENYING
MOTION FOR RECONSIDERATION**

This matter is before the court on the Motion for Reconsideration or, in the Alternative, to Modify Order filed by Plaintiff, Jeremy Dixon, on February 21, 2012. (Docket No. 102). Defendant's Response to the motion was filed on March 9, 2012 (Docket No. 103), and Plaintiff's Reply in Support was filed on March 23, 2012 (Docket No. 107). For the reasons set for below, the court **DENIES** Plaintiff's Motion for Reconsideration.

A motion to compel discovery is a non-dispositive matter. Under FED. R. CIV. P. 72(a), a district court judge must consider timely objections and modify or set aside any part of the order that is clearly erroneous or contrary to law.

In this case, the Magistrate Judge's determination not to compel further responses to Request for Production No. 11 is not clearly erroneous and contrary to law in light of the Affidavit of Annette Kindle filed with Defendant's Opposition to Plaintiff's "Motion to Compel to Discovery Response" (Docket No. 94). The Magistrate Judge has also not been

shown to be clearly erroneous or contrary to law with respect to Request for Production No. 18 when he restricted to five the number of co-workers whose personal contact information and employee records must be forwarded to Plaintiff. As pointed out in the briefing, the Plaintiff's request – as drafted – included hundreds of workers and was overbroad.

Therefore, the Motion for Reconsideration is **DENIED**. Production required under Request for Production No. 18 should be completed within thirty (30) days of the date of this order.

IT IS SO ORDERED.

Dated: 08/24/2012

Sarah Evans Barker
SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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