

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

TREATY ENERGY CORPORATION

CIVIL ACTION

VERSUS

NO: 11-1314

JOHN DOES

SECTION: "J" (5)

ORDER

Before the Court is Plaintiff, Treaty Energy Corporation ("TECO")'s Motion for Review of the Magistrate Judge's Order (Rec. Doc. 63) denying TECO's Motion for Leave to Conduct Discovery Prior to Rule 26(f) Conference and granting Defendants' Motions to Quash. **(Rec. Doc. 64)** The motion was set for hearing on the briefs on December 19, 2012. Two defendants, who at this point are only known by their usernames, "Smithsd7" and "Xylan," have filed an Opposition. (Rec. Doc. 66) TECO has replied. (Rec. Doc. 67-1)

Under Federal Rule of Civil Procedure 72(a), within 14 days of service with an order of a magistrate judge on a non-dispositive pretrial matter, a party may apply to the district court judge for review of the magistrate judge's order. With respect to pretrial discovery matters like those at issue in this case, "the district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or contrary to law." FED. R. CIV. P. 72(a);

Kendall Co. v. Southern Med. Supplies, Inc., No. 94-0150, 1996 WL 99340, at *1-2 (E.D. La. Mar. 5, 1996) (applying "clearly erroneous or contrary to law standard" in context of motion for review of Magistrate Judge's order granting motion to quash subpoena). Under this highly deferential standard, a magistrate judge's ruling "should not be rejected merely because the court would have decided the matter differently." Ordemann v. Unidentified Party, No. 06-4796, 2008 WL 695253, at *1 (E.D. La. Mar. 12, 2008) (quoting Rubin v. Valicenti Advisory Servs., Inc., 471 F. Supp. 2d 329, 333 (W.D.N.Y. 2007)). Rather, the decision must be affirmed unless, "on the entire evidence [the Court] is left with a definite and firm conviction that a mistake has been committed." United States v. United States Gypsum Co., 333 U.S. 364, 395 (1948).

Having independently considered the motion, the parties' memoranda, the record, and the applicable law, the Court finds that the Magistrate Judge's order was not clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED that TECO's Motion for Review of the Magistrate Judge's Order (**Rec. Doc. 64**) is **DENIED**.

New Orleans, Louisiana, this 1st day of February, 2013.


CARL J. BARBIER
UNITED STATES DISTRICT JUDGE