

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**CIVIL ACTION**

**IN RE: GATX THIRD AIRCRAFT  
CORPORATION ET AL.**

**NO: 16-13095**

**SECTION “H” (5)**

**ORDER**

Before the Court is an Objection to Magistrate Judge’s Order and Motion for Review of Order (Doc. 41) filed by Petitioners-in-Limitation GATX Third Aircraft Corporation, Brynmark Marine Services, Inc., and Double J. Marine, LLC (collectively, “Petitioners”). Magistrate Judge North ordered the production of surveillance evidence before the surveilled person’s deposition.<sup>1</sup> In doing so, Magistrate Judge North made a factual finding about the amount of information the parties knew about the evidence and its potential impeachment value.<sup>2</sup>

“A magistrate judge’s non-dispositive order may only be set aside if it ‘is clearly erroneous or is contrary to law.’ Accordingly, we review ‘factual findings under a clearly erroneous standard,’ while ‘legal conclusions are reviewed de

---

<sup>1</sup> Doc. 40.

<sup>2</sup> *See* Doc. 40.

novo.”<sup>3</sup> “An order is clearly erroneous if the court ‘is left with the definite and firm conviction that a mistake has been committed.’”<sup>4</sup>

Petitioners have not convinced the Court that the Magistrate Judge made a mistake as to the factual findings. Furthermore, Petitioners have not identified controlling law that is contrary to the Magistrate Judge’s order, as opposed to merely consistent with the opposite outcome.

Accordingly, Petitioners’ Motion is DENIED.

New Orleans, Louisiana this 9th day of November, 2017.



---

**JANE TRICHE MILAZZO**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>3</sup> Moore v. Ford Motor Co., 755 F.3d 802, 806 (5th Cir. 2014) (citing Fed. R. Civ. P. 72(a)).

<sup>4</sup> Alphonse v. Arch Bay Holdings, L.L.C., 618 F. App’x 765, 768 (5th Cir. 2015) (per curium) (quoting Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985)).