## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Plaintiff,	Case No. 12-11500
v.	
PHYSIOMATRIX, INC., et al.,	Hon. John Corbett O'Meara Magistrate Judge David R. Grand
Defendants.	
	/

## ORDER OVERRULING OBJECTIONS TO MAGISTRATE JUDGE'S APRIL 24, 2014 ORDER

Before the court are the parties' objections to Magistrate Judge David R.

Grand's April 24, 2014 order, which resolved several motions. See Docket No.

290. Defendants Dr. Kallil Kazan and Dr. Naim Khanafer and

Defendants/Counter-Plaintiffs Physiomatrix, Inc. and Genex Physical Therapy,
Inc. object to the magistrate judge's ruling that they failed to provide discovery
regarding their lost profits, business operating expenses, or legal fees and that they
may not seek such damages at trial. Plaintiff/Counter-Defendant State Farm

Mutual Automobile Insurance Company objects to the portion of the magistrate
judge's order denying them leave to file an amended complaint.

The court may modify or set aside any portion of the magistrate judge's

order that is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). See

also Fed. R. Civ. P. 72(a). "A finding is 'clearly erroneous' when although there is

evidence to support it, the reviewing court on the entire evidence is left with the

definite and firm conviction that a mistake has been committed." Anderson v. City

of Bessemer City, 470 U.S. 564, 573 (1985) (quoting United States v. U.S.

Gypsum Co., 333 U.S. 364, 395 (1948)). The court may not disturb the

magistrate's factual findings "even though convinced that had it been sitting as the

trier of fact, it would have weighed the evidence differently." Id. The court allows

the magistrate's legal conclusions to stand unless they are "contrary to law."

Gandee v. Glaser, 785 F. Supp. 684, 686 (S.D. Ohio 1992) aff'd, 19 F.3d 1432 (6<sup>th</sup>

Cir. 1994).

Having reviewed the record and the parties' objections, the court finds that

Magistrate Judge Grand's April 24, 2014 order is neither clearly erroneous nor

contrary to law.

Therefore, IT IS HEREBY ORDERED that the parties' objections (Docket

Nos. 301 and 302) to Magistrate Judge Grand's April 24, 2014 order are

OVERRULED.

s/John Corbett O'Meara

United States District Judge

Date: June 12, 2014

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I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 12, 2014, using the ECF system.

s/William BarkholzCase Manager