

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM P. ERICKSON, on behalf of himself
and all others similarly situated;

Plaintiff,

vs.

CREDIT BUREAU SERVICES, INC.,
PROFESSIONAL CREDIT MANAGEMENT,
DANIEL A. MARTIN, C. J. TIGHE,

Defendants.

8:11CV215

ORDER

This matter is before the court on the plaintiff's objection, Filing No. [117](#), to the order of the magistrate judge, Filing No. 116, denying his motion to compel production of a class list, Filing No. [112](#), and sustaining the defendants' objection thereto, Filing No. [114](#). This is a class action for damages and injunctive relief for violations of the Fair Debt Collection Practices Act, [15 U.S.C. § 1692](#) *et seq.* (hereinafter "FDCPA" or "Act") and the Nebraska Consumer Protection Act ("NCPA"), [Neb. Rev. Stat. § 59-1601](#) *et seq.* See Filing No. [105](#), Order. The court has preliminarily approved a settlement. *Id.*

On review of a decision of the magistrate judge on a pretrial matter, the district court may set aside any part of the magistrate judge's order that it finds is clearly erroneous or contrary to law. [28 U.S.C. § 636](#) (b)(1)(A); [Fed. R. Civ. P. 72\(a\)](#); *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986). See also *Bialas v. Greyhound Lines, Inc.*, 59 F.3d 759, 764 (8th Cir. 1995) (noting "a magistrate is afforded broad discretion in the resolution of nondispositive discovery disputes").

Based on his familiarity with the case, the magistrate judge was within his discretion to deny the plaintiff's motion to compel production of the list. The magistrate

judge held a hearing on the matter. The settlement agreement does not provide for production of the class list. Under the agreement, class counsel are provided notice of opt-out requests. Filing No. [103](#), Index of Evid., Attachment 1, Settlement Agreement, part I at 12. The plaintiff has not shown that the magistrate judge's findings are clearly erroneous or contrary to law. Accordingly,

IT IS ORDERED that the plaintiff's objection, Filing No. [117](#), to the order of the magistrate judge, Filing No. 116, is denied.

DATED this 20th day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge