

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

SANDY HACKETT,)
)
 Plaintiff(s),)
)
 vs.)
)
 RICHARD FEENEY, *et al.*,)
)
 Defendant(s).)
 _____)

2:09-cv-2075-RLH-LRL

ORDER

Before the Court are two Orders (##79, 90) entered by the Honorable Lawrence R. Leavitt, regarding Plaintiff's Motion to (1) Disqualify Greenberg Traurig, LLP; (2) Disqualify Mark Tratos as Trial Counsel; (3) for Surrender of Client Files of Sandy Hackett; and (4) for Leave to Take Mark Tratos' Deposition (#54). Order #79 was the original order issued by Judge Leavitt in response to the motion. Order #90 was the product of a subsequent motion (#81) by Defendants seeking to Vacate a Portion of Order (#79), which Judge Leavitt granted, deciding he had committed clear error in a portion of Order #79.

Plaintiff filed Objections¹ to Judge Leavitt's Order (#79), (See #82), in accordance

1

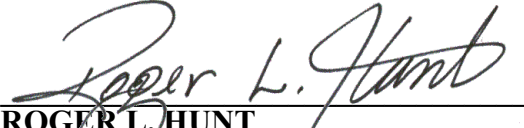
Plaintiff additionally styles the Objections as a Motion to Set Aside the Magistrate Judge's October 18, 2010 Order. However, 28 U.S.C. 636(b) and Local Rule 3-1 only make provision for objections or a request for reconsideration by a District Judge of a Magistrate Judge's Order. The rules governing regular motions do not apply. No reply is permitted. This Court will consider the matter under the provisions of that statute and Local Rule.

1 with Local Rule IB 3-1 of the Rules of Practice of the United States District Court for the District of
2 Nevada. Defendants filed an Opposition (#88) to the Objections, and this matter was referred for
3 consideration. Because the Judge Leavitt's Order #90 is an extension and correction of #79, and is
4 based on the same findings and conclusions, the Court will apply Plaintiff's Objections and
5 Defendant's Opposition thereto as the arguments regarding the issues seem a logical extension.

6 The Court has conducted a *de novo* review of the record in this case in accordance
7 with 28 U.S.C. §636(b)(1)(A), (B), and (C) and Local Rule IB 3-1 and determines that the Orders
8 of Magistrate Judge Leavitt are not clearly erroneous nor contrary to law and should be affirmed.

9 IT IS THEREFORE ORDERED that Magistrate Judge Leavitt's Orders (##79, 90)
10 are AFFIRMED, Plaintiff's Objections (#82) are overruled, and Plaintiff's Motion to (1) Disqualify
11 Greenberg Traurig, LLP; (2) Disqualify Mark Tratos as Trial Counsel; (3) for Surrender of Client
12 Files of Sandy Hackett; and (4) for Leave to Take Mark Tratos' Deposition (#54) is DENIED.

13 Dated: November 23, 2010.

14
15 
16 **ROGER L. HUNT**
17 Chief U.S. District Judge
18
19
20
21
22
23
24
25
26