

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv190

DECISION SUPPORT, LLC; and
DAVID WATSON,

Plaintiffs,

Vs.

ELECTION SYSTEMS & SOFTWARE,)
INC.; and DATACARD CORPORATION,)

Defendants.)

ORDER

THIS MATTER is before the court on defendant Election Systems & Software, LLC's
Objection to the Order Granting Plaintiffs' Motion for Extension of Discovery (#68) and defendant
Datacard Corporations Objections to Order Granting Motion for Extension of Time of Scheduling
Order Deadlines (#69). The Court has also considered the numerous exhibits submitted in support
of those objection as well as plaintiffs' Response in Opposition (#71). The court appreciates the
thoroughness of all the submissions.

The district court has authority to assign non-dispositive pretrial matters pending
before the court to a magistrate judge to "hear and determine." 28 U.S.C. § 636(b)(1)(A).
When reviewing an objection to a magistrate judge's order on a non-dispositive matter, the
district court must set aside or modify any portion of that order which is clearly erroneous
or contrary to law. Fed.R.Civ.P. 72(a). To show that a magistrate judge's order is contrary
to law, the objecting party must show that the magistrate judge failed to apply or misapplied
statutes, case law, or procedural rules. See Catskill Dev. LLC v. Park Place Entm't Corp.,
206 F.R.D. 78, 86 (S.D.N.Y.2002).

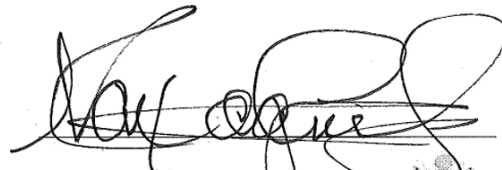
The court has carefully reviewed the Order as well as the objections, and has
determined that the Order of the magistrate judge is fully consistent with and supported by

current law as supported by good cause. Further, the enormous additional production clearly supports allowing such relief. Indeed, had this court been presented with the motion in the first instance, it too would have granted the very same relief. Based on such determination, the court will overrule the objections and fully affirm the Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant Election Systems & Software, LLC's Objection to the Order Granting Plaintiffs' Motion for Extension of Discovery (#68) and defendant Datacard Corporations Objections to Order Granting Motion for Extension of Time of Scheduling Order Deadlines (#69) are **OVERRULED**, and the Order (#67) is **AFFIRMED**.

Signed: February 10, 2012



Max O. Cogburn Jr.
United States District Judge