

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-462**

THE CATO CORPORATION,)
Plaintiff,)
)
 v.)
)
L.A. PRINTEX INDUSTRIES, INC.,)
Defendant.)
)

Case No.3:10-cv-00462

ORDER

L.A. PRINTEX INDUSTRIES, INC.,)
Plaintiff,)
)
 v.)
)
THE CATO CORP., a)
Delaware corporation;)
VOLUMECCOCOMO APPAREL, INC., a)
California Corporation; LI & FUNG)
LTD., a Hong Kong Limited Company;)
LF USA, INC., A New York Corporation;)
and DOES 3 through 10,)
Defendants.)

Case No. 3:10-cv-00543

THIS MATTER is before the court on review of a non-dispositive Memorandum and Order (#62) issued by Honorable David S. Cayer, United States Magistrate Judge, in this matter. L.A. Printex Industries, Inc. has filed a Motion for Review of Magistrate’s Order (#98).

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

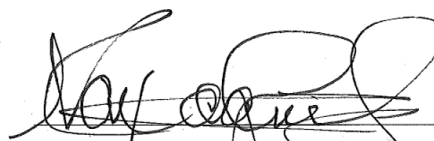
objecting party must show that the magistrate judge failed to apply or misapplied statutes, case law, or procedural rules. See Catskill Dev. LLC v. Park Place Entm't Corp., 206 F.R.D. 78, 86 (S.D.N.Y.2002).

The court has carefully reviewed the Memorandum and Order, and L.A. Printex's Motion, as well as this court's previous Order (#108) on The Cato Corporation's Motion for Sanctions and determines that the Order of the magistrate judge is fully consistent with and supported by current law. Based on such determination, the court will overrule the objection and fully affirm the Order. However, the court reserves the right to admit any relevant evidence at trial, should the parties fail to settle this matter.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Motion for Review of Magistrate's Order (#98) is **OVERRULED**, and the Order (#62) is **AFFIRMED**.

Signed: July 11, 2012



Max O. Cogburn Jr.
United States District Judge