

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**THOMAS J. BONASERA,
Administrator of the Estate of
Alaina Nicole Steele, Deceased,**

Plaintiff,

v.

**Case No. 2:19-cv-3817
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Chelsey M. Vascura**

**PENNSYLVANIA NATIONAL
MUTUAL CASUALTY INSURANCE
COMPANY d/b/a PENN NATIONAL
INSURANCE, et al.,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Defendant New River Electrical Corp.’s Objections to the Magistrate Judge’s Opinion and Order filed on March 4, 2021 (ECF No. 99) and Memorandum in Support (ECF No. 100). Plaintiff Thomas J. Bonasera and Defendant W.D. Wright Contracting, Inc. have filed responses in opposition to Defendant New River Electrical Corp.’s objections. (ECF Nos. 110–11.)

Rule 72(a) allows a party to object to a Magistrate Judge’s order on nondispositive issues. *Langenfeld v. Armstrong World Indus., Inc.*, 299 F.R.D. 547, 550 (S.D. Ohio 2014). When reviewing a Magistrate Judge’s decision on a nondispositive issue, the district court applies a “clearly erroneous or contrary to law” standard of review. Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). “Review under Rule 72(a) provides ‘considerable deference to the determinations of magistrates.’” *Langenfeld*, 299 F.R.D. at 550 (citing *In re Search Warrants Issued Aug. 29, 1994*, 889 F. Supp. 296, 298 (S.D. Ohio 1995)). Magistrate Judges “have broad discretion to

regulate nondispositive matters[.]” *Sherrod v. Enigma Software Grp. USA, LLC*, No. 2:13-CV-36, 2014 WL 309948, at *2 (S.D. Ohio Jan. 28, 2014) (quoting *Carmona v. Wright*, 233 F.R.D. 270, 276 (N.D.N.Y. 2006)). Reversal is warranted only if that discretion is abused. *Id.* “An abuse of discretion exists when the court applies the wrong legal standard, misapplies the correct legal standard, or relies on clearly erroneous findings of fact.” *Arucan v. Cambridge E. Healthcare/Sava Seniorcare LLC*, No. 16-12726, 2018 WL 272244, at *1 (E.D. Mich. Jan. 3, 2018) (citing *First Tech. Safety Sys., Inc. v. Depinet*, 11 F.3d 641, 647 (6th Cir. 1993)); *see also* 12 Fed. Prac. & Proc. Civ. § 3069 (3d ed.) (“In sum, it is extremely difficult to justify alteration of the magistrate judge’s nondispositive actions by the district judge.”).

The Court has considered each of Defendant’s Objections and finds no error or abuse of discretion. The Court agrees with the reasoning of the Magistrate Judge and **ADOPTS** in full the March 4, 2021 Opinion and Order (ECF No. 97) as the Opinion and Order of this Court. Accordingly, the Court **OVERRULES** Defendant New River Electrical Corp.’s Objections. (ECF No. 99.) This case is to remain open.

IT IS SO ORDERED.

5/5/2021

DATE

s/Edmund A. Sargus, Jr.

**EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE**