

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Wendy C.H. Wellin, on behalf of the Estate )  
of Keith S. Wellin, as its Duly Appointed )  
Special Administrator )

Plaintiff, )

-vs- )

Thomas M. Farace, Esq., individually and )  
As agent for Nixon Peabody, LLP and )  
Nixon Peabody Financial Advisors, LLC; )  
Nixon Peabody, LLP; and Nixon Peabody )  
Financial Advisors, LLC, )

Defendants. )  
\_\_\_\_\_ )

C/A No. 2:16-cv-0414 DCN

**ORDER**

This matter is before the court upon the Special Master’s report and recommendation (“R&R”) that the court deny plaintiff’s motion for protective order (Dkt. No. 96).

The court is charged with conducting a de novo review of any portion of the Special Master’s report to which a specific objection is registered. “In acting on a master’s order, report, or recommendations, the court must give the parties notice and an opportunity to be heard; may receive evidence; and may adopt or affirm, modify, wholly or partly reject or reverse, or resubmit” the R&R to the Special Master with instructions. Fed. R. Civ. P. 53(f)(1). The 2003 Advisory Committee Notes state that the “requirement that the court must afford an opportunity to be heard can be satisfied by taking written

submissions when the court acts on the report without taking live testimony.”<sup>1</sup> No objections to the Special Master’s Report and Recommendation have been filed.

The court has conducted a de novo review of the record and has concluded that the Special Master’s R&R accurately summarizes this case and the applicable law. Accordingly, the Special Master’s Report and Recommendation is incorporated into this order. For the reasons articulated by the Special Master, the court **DENIES** plaintiff’s motion for protective order (Dkt. No. 96). The court also denies defendants’ request to enlarge the time of Wendy C.H. Wellin’s deposition to 10 hours.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

DAVID C. NORTON  
UNITED STATES DISTRICT JUDGE

October 24, 2018  
Charleston, South Carolina

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<sup>1</sup> While this language is drawn from the Committee Notes to Rule 53(g), in the 2003 version of the Federal Rules of Civil Procedure, Rule 53(g)(1) contained the substantive language that is now in Rule 53(f)(1).