

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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HELEN WIGHT,  
Plaintiff,

vs.

TANI PAC DOWNING, et al.,  
Defendants.

MEMORANDUM DECISION AND  
ORDER OVERRULING  
PLAINTIFF'S OBJECTION TO  
MAGISTRATE JUDGE'S RULING

Case No. 1:06-CV-107 TS

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This matter is before the Court on Plaintiff's Objection to the Magistrate Judge's rulings on three of Plaintiff's Motions: Plaintiff's Third Motion to Compel, Plaintiff's Motion for Leave to Submit Additional Interrogatories and/or Fourth Motion to Compel, and Plaintiff's Request to Obtain Leave to Conduct Additional Depositions. The Magistrate Judge denied Plaintiff's Third and Fourth Motions to Compel because they were not timely filed and Plaintiff had presented no reasonable excuse as to why the Motions were not brought earlier.<sup>1</sup> The Magistrate Judge

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<sup>1</sup>Docket No. 138.

granted Plaintiff's Request to Obtain Leave to Conduct Additional Depositions, but limited Plaintiff to four additional depositions.<sup>2</sup>

As the Magistrate Judge's ruling dealt solely with nondispositive matters, Federal Rule of Civil Procedure 72(a) directs that this Court employ a "clearly erroneous or contrary to law" standard of review. Under the clearly erroneous standard, this court will affirm the Magistrate Judge's ruling "unless it 'on the entire evidence is left with the definite and firm conviction that a mistake has been committed.'"<sup>3</sup> Courts recognize that wide discretion is given to the Magistrate Judge in discovery rulings.<sup>4</sup>

Having reviewed Plaintiff's Objection, as well as the underlying Motions, the Court cannot find that those rulings were clearly erroneous or contrary to law. Therefore, Plaintiff's Objection is overruled. However, the Court believes that Plaintiff's request that Defendants be compelled to produce documents which Defendants have promised to provide is entirely reasonable. Specifically, in response to Plaintiff's Requests for Production 29, 42, and 45, Defendants agreed to produce certain documents. Plaintiff claims that Defendants have failed to produce those documents. Defendants have not disputed this claim.

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<sup>2</sup>Docket No. 127. Plaintiff's attorney was directed to prepare an Order reflecting the Magistrate Judge's ruling on this issue, but no such Order is reflected on the docket.

<sup>3</sup>*Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)).

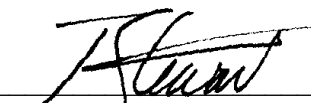
<sup>4</sup>*Soma Med. Int'l v. Standard Chartered Bank*, 196 F.3d 1292, 1300 (10th Cir.1999).

It is therefore

ORDERED that Defendants produce those documents requested by Plaintiff in her Requests for Production 29, 42, and 45, which Defendants agreed to produce, within ten (10) days of this Order. Plaintiff's remaining objections are OVERRULED.

DATED April 17, 2009.

BY THE COURT:

  
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TED STEWART  
United States District Judge