

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ronald A. Guzman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 5893	DATE	1/19/2007
CASE TITLE	Jaffe vs. Household Int'l Inc. et al.		

DOCKET ENTRY TEXT

For the reasons provided in this Minute Order, the Court rejects the class' objection to Magistrate Judge Nan R. Nolan's September 20, 2006 Order and adopts the order in full.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Under Federal Rule of Civil Procedure 72(a) a magistrate judge "to whom a pretrial matter not dispositive of a claim or defense of a party is referred to hear and determine shall promptly conduct such proceedings as are required and when appropriate enter into the record a written Order setting forth the disposition of the matter." Fed. R. Civ. P. 72(a). Routine discovery motions are not dispositive. *Adkins v. Mid-Am. Growers, Inc.*, 143 F.R.D. 171, 175 n.3 (N.D. Ill. 1992). The Federal Rules of Civil Procedure grant magistrate judges broad discretion in resolving discovery disputes. *Heyman v. Beatrice Co.*, No. 89 C 7381, 1992 WL 245682, at *2 (N.D. Ill. Sept. 23, 1992). A magistrate judge's ruling on a nondispositive matter may only be reversed on a finding that the ruling is "clearly erroneous or contrary to law." Fed. R. Civ. P. 72(a); *see* 28 U.S.C. § 636(b)(1).

The class argues that Magistrate Judge Nolan's ruling that Household had not yet exceeded its eighty-five interrogatory limit was clearly erroneous. "Clear error is an extremely deferential standard of review, and will only be found to exist where the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Pinkston v. Madry*, 440 F.3d 879, 888 (7th Cir. 2006) (quotation omitted).

The Court begins by noting that Magistrate Judge Nolan has supervised all discovery matters in this case for over two years and she shall be afforded great deference when it comes to regulating the timing, scope, and format of permissible discovery. Due to the parties' constant barrage of discovery motions, it has been necessary for her to become intimately familiar with the minute details of the discovery in this case.

Magistrate Judge Nolan did not err in holding that Household had not yet exceeded its eighty-five interrogatory limit. Before the magistrate judge, the lead plaintiffs argued that "defendants had served, *by lead plaintiffs' count*, a total of 101 interrogatories." (Lead Pls.' Response Defs.' Mot. Compel Responses

STATEMENT

Defs.' [Fifth] Set of Interrogatories 4 (emphasis added).) However, the lead plaintiffs failed to include in their response to Household's motion to compel any explanation as to what "by lead plaintiffs' count" meant. In support of its objection to the September 20 Order, the class now belatedly attempts to provide an explanation. (Supplement Class' Objection Magistrate's Sept. 20, 2006 Order, Ex. A.) Such a submission is inappropriate because the lead plaintiffs never provided it in response to the motion to compel and thus, Magistrate Judge Nolan had no occasion to consider it. *See Rubin v. The Islamic Republic of Iran*, No. 03 C 9370, 2005 WL 783057, at *1 (N.D. Ill. Mar. 18, 2005) ("Efficiency in judicial administration requires that all arguments be presented to the magistrate judge in the first instance.").

Accordingly, the Court sees no error in Magistrate Judge Nolan's rejecting lead plaintiffs' contention that Household had exceeded their allotted eighty-five interrogatories. Further, it was within her broad discretion to treat the interrogatories relating to class certification differently than the interrogatories relating to the merits of the case. In sum, the class has not provided any meritorious argument that Magistrate Judge Nolan's ruling constituted clear error or was contrary to law. The Court thus rejects the class' objection to the September 20, 2006 Order.