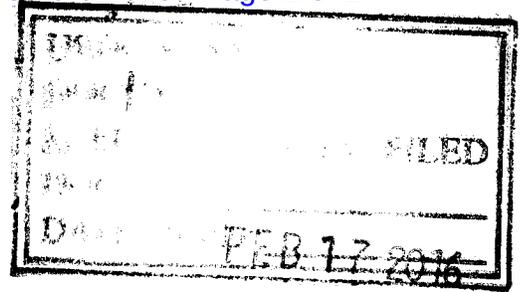


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
 FREDERICK M. CARGIAN, :
 :
 Plaintiff, :
 :
 -against- :
 :
 BREITLING USA, INC., :
 :
 Defendant. :
 :
 ----- X
 GEORGE B. DANIELS, United States District Judge:

ORDER

15 Civ. 01084 (GBD)

Plaintiff objects, pursuant to Federal Rule of Civil Procedure 72(a), to Magistrate Judge Pitman’s January 21, 2016 Order denying Plaintiff’s application to reconvene the deposition of Sebastien Amstutz. As Plaintiff has not identified any part of Judge Pitman’s order that is clearly erroneous or contrary to law, Plaintiff’s objection is OVERRULED.

Under Federal Rule of Civil Procedure 72(a), a district judge “must consider timely objections [to a non-dispositive matter] and modify or set aside any part of the order that is clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a). “A magistrate judge’s decision is ‘clearly erroneous’ only if the district court is ‘left with the definite and firm conviction that a mistake has been committed.’” *Golden Horn Shipping Co. v. Volans Shipping Co.*, No. 14 Civ. 02168, 2015 WL 6684518, at *1 (S.D.N.Y. June 30, 2015) (quoting *Galland v. Johnston*, No. 14 Civ. 04411, 2015 WL 1290775, at *4 (S.D.N.Y. Mar. 19, 2015), *appeal dismissed* (June 24, 2015)). “A decision is ‘contrary to law’ if it ‘fails to apply . . . or misapplies relevant statutes, case law, or rules of procedure.’” *Id.* (quoting *Dilworth v. Goldberg*, No. 10 Civ. 02224, 2014 WL 3798631, at *13 (S.D.N.Y. Aug. 1, 2014)). “Pursuant to this highly deferential standard of review, a magistrate judge is ‘afforded broad discretion in

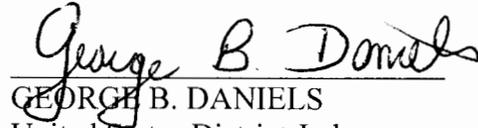
resolving discovery disputes and reversal is appropriate only if their discretion is abused.”

Lyondell-Citgo Ref., LP v. Petroleos de Venezuela, S.A., No. 02 Civ. 00795, 2005 WL 551092, at *1 (S.D.N.Y. Mar. 9, 2005) (quoting *Derthick v. Bassett-Walker Inc.*, No. 90 CIV. 03845, 1992 WL 249951, at *8 (S.D.N.Y. Sept. 23, 1992)).

Plaintiff requests a continuation of the deposition of Sebastian Amstutz because Defendant produced certain documents about bonus compensation for other employees after the Amstutz deposition. Judge Pitman determined, however, that those documents are identical in form to documents previously produced regarding Plaintiff. The previously-produced documents alerted Plaintiff’s counsel to the “Special Extra Bonuses” that Defendant had paid, and Plaintiff’s counsel could have asked Amstutz about the “Special Extra Bonus” program at the Amstutz deposition. Nothing in Judge Pitman’s order is clearly erroneous or contrary to law. Accordingly, Judge Pitman’s ruling is affirmed over Plaintiff’s objection.

Dated: February 17, 2016
New York, New York

SO ORDERED.


GEORGE B. DANIELS
United States District Judge