

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 9:18-CV-80771-ROSENBERG/REINHART**

ROBERT W. OTTO and JULIE H.
HAMILTON,

Plaintiffs,

vs.

CITY OF BOCA RATON,
FLORIDA and COUNTY OF PALM
BEACH, FLORIDA,

Defendants.

**ORDER OVERRULING PLAINTIFFS' OBJECTIONS
TO MAGISTRATE JUDGE'S ORDERS ON DISCOVERY**

This matter is before the Court upon Plaintiffs' Objections to the Magistrate's Discovery Ruling at the September 12, 2018 discovery hearing. DE 88. The Court has reviewed Defendants' Objections, DE 88, the Parties' Joint Discovery Memorandum, DE 75, and is otherwise fully advised of the premises.

"A district court reviewing a magistrate judge's discovery order is, in general, limited by statute and rule to reversing that order only if it is 'clearly erroneous or contrary to law.'" *S.E.C. v. Merkin*, 283 F.R.D. 699, 700 (S.D. Fla. 2012) (citing 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a)). "In the absence of a legal error, a district court may reverse only if there was an 'abuse of discretion' by the magistrate judge." *Id.* (citing *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 401 (1990)).

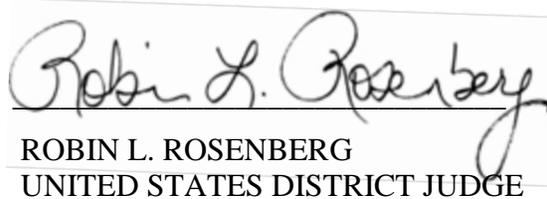
"Clear error is a highly deferential standard of review." *Holton v. City of Thomasville Sch. Dist.*, 425 F.3d 1325, 1350 (11th Cir. 2005). "A finding is clearly erroneous when the

reviewing court, after assessing the evidence in its entirety, is left with a definite and firm conviction that a mistake has been committed.” *Krys v. Lufthansa German Airlines*, 119 F.3d 1515, 1523 (11th Cir. 1997) (citing *Anderson v. City of Bessemer City*, 470 U.S. 564, 573 (1985)). “A magistrate judge’s order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of procedure.” *Merrett v. Liberty Mut. Ins. Co.*, No. 3:10-CV-1195-J-34MCR, 2013 WL 5330258, at *1 (M.D. Fla. Sept. 23, 2013) (quoting *Botta v. Barnhart*, 475 F. Supp. 2d 174, 185 (E.D.N.Y. 2007)) (internal quotation marks omitted).

The “clearly erroneous or contrary to law” standard for reviewing a magistrate judge’s order “is very different from the *de novo* review and adoption of a Report and Recommendation on a dispositive Order. *Id.* at *2. Furthermore, “[t]he purpose of referring non-dispositive motions to a Magistrate Judge is to increase the efficiency of the system,” and “the ‘clearly erroneous’ standard of review contemplates a certain amount of deference to the findings of the Magistrate Judge on those matters on which she has the power to make a final determination.” *Id.*

Upon review of Judge Reinhart’s Ruling from the September 12, 2018 hearing, this Court finds no basis upon which to reverse. For the foregoing reasons, it is **ORDERED AND ADJUDGED** that Defendants’ Objections, DE 88, are **OVERRULED**.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 17th day of September, 2018.


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE