UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Dmitry Volovik, 01Cv1426 (JEL/JGL)

Plaintiff,

v. **ORDER**

Bayer Corporation, an Indiana corporation,

Defendant.

Thomas L. Hamlin, Esq. and Becky R. Thorson, Esq., ROBINS KAPLIN MILLER & CIRESI, L.L.P., 2800 LaSalle Plaza, 800 LaSalle Avenue, Minneapolis, Minnesota for plaintiff.

Craig D. Diviney, Esq. and William A. Dossett, Esq., DORSEY AND WHITNEY LLP, 50 South 6th Street, Suite 1500, Minneapolis, Minnesota and Dale M. Heist, Esq., Gary H. Levin, Esp., Albert J. Marcellino, Esq. and Michael J. Bonella, Esq., WOODCOCK WASHBURN LLP, One Liberty Place, 46th Floor, 17th and Market Streets, Philadelphia, Pennsylvania for defendant.

This matter is before the Court upon Plaintiff's appeal of Magistrate Judge Lebedoff's order dated June 10, 2002, denying Plaintiff's Motion to Compel Discovery and Second Motion to Compel Discovery. Defendant opposes Plaintiff's appeal. The Court must modify or set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed.R.Civ.P. 72(a); Local Rule 72.1(b)(2). This is an "extremely deferential standard." *Reko v. Creative Promotions, Inc.*, 70 F.Supp.2d 1005, 1007 (D. Minn. 1999). "A finding is 'clearly erroneous' when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Chakales v. Comm'r of Internal Revenue,* 79 F.3d 726, 728 (8th Cir. 1996) (quoting *United States v. United States Gypsum Co.,* 333 U.S.364, 395 (1948). The Court denies Plaintiff's appeal and affirms Magistrate Judge Lebedoff's order of June 10, 2002, in all respects.

The Court finds that Magistrate Judge Lebedoff's order is neither clearly erroneous nor contrary to law.

JUL 29 2002
FILED
RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD
DEPUTY CLERK

Accordingly, **IT IS HEREBY ORDERED** THAT:

1. Magistrate Judge Lebedoff's order of June 10, 2002 (Docket No. 62) is **AFFIRMED.**

Dated: July 29, 2002.

JOAN E. LANCASTER, Judge
United States District Court