

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IN RE: COPPER ANTITRUST LITIGATION

M.D.L. Docket No. 1303

ASARCO INCORPORATED,

Plaintiff,

ORDER

03-C-314-C

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

KENNECOTT UTAH COPPER
CORPORATION, LEVITON
MANUFACTURING CO., INC. and
AMERICA INSULATED WIRE
CORPORATION,

Plaintiffs,

03-C-316-C

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

ESSEX ELECTRIC,

Plaintiff,

03-C-317-C

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

MUELLER COPPER TUBE COMPANY, INC. and
MUELLER COPPER TUBE PRODUCTS, INC.,

03-C-318-C

Plaintiffs,

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

SUPERIOR TELECOM, INC.

03-C-368-C

Plaintiff,

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

SOUTHWIRE COMPANY AND GASTON
COPPER RECYCLING CORPORATION,

03-C-707-C

Plaintiffs,

v.

J.P. MORGAN CHASE & CO., et al,

Defendants.

Plaintiffs ASARCO, Incorporated, Kennecott Utah Copper Corporation, Leviton Manufacturing Co., American Insulated Wire Corporation, Essex Electric, Inc., Mueller Copper Tube Company, Mueller Copper Tube Products, Inc., Superior TeleCom, Inc., Southwire Company and Gaston Copper Recycling Corporation have filed objections to the discovery order entered by the United States Magistrate Judge on December 17, 2003. The magistrate judge denied plaintiffs' motions to compel production of documents and answers to interrogatories. Plaintiffs contend that the denial is clearly erroneous and contrary to law. 28 U.S.C. § 636 (b)(1)(A).

Having reviewed the objections, the briefing on the motions and the magistrate judge's decision, I am not persuaded that the magistrate judge erred in any respect. Rather, I find that he made a reasoned decision to deny plaintiffs' efforts to broaden the scope of discovery beyond that necessary for briefing the pending motion for summary judgment on the issue of the statute of limitations. Plaintiffs do not deny that they have enough factual

evidence to defeat defendants' motion for summary. *Objs.*, dkt. #588, at 2 ("Plaintiffs agree that there is already sufficient factual evidence to preclude summary judgment."). Plaintiffs will have a full opportunity to take additional discovery if I determine that their suits against defendants are not barred by the statute of limitations. At this time, however, the focus of their discovery should be on the statute of limitations. The magistrate judge recognized this and ruled accordingly.

ORDER

IT IS ORDERED that plaintiffs' objections to the order entered by the United States Magistrate Judge on December 17, 2003, are insufficient to require the court to reconsider any aspect of that order.

Entered this 9th day of January, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge