

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

BARRY LEE SMALLEY,

Plaintiff,

MEMORANDUM

v.

06-C-0295-C

THE PROCTER & GAMBLE
COMPANY,

Defendant.

Although this case is in its earliest stage, a preliminary pretrial conference has been scheduled to be held before United States Magistrate Judge Stephen Crocker and Judge Crocker has ruled on a discovery matter. Now, in a written communication to the court dated August 9, 2006, plaintiff asks why Magistrate Judge Crocker “is presiding over the above-cited action when Judge Barbara Crabb is the presiding judge.”

Plaintiff is correct that I am the judge who will rule on any dispositive motions the parties may wish to file. In addition, I will preside over the trial if one is held. However, under 28 U.S.C. § 636(b)(1)(A), “a judge may designate a magistrate to hear and determine any pretrial matter pending before the court” except with respect to certain motions, such

as dispositive motions or motions for preliminary injunctive relief. I have authorized the magistrate judge to decide discovery motions in all civil cases assigned to me and to preside over the preliminary pretrial conference. In the unlikely event that either party believes that a ruling made by the magistrate judge on a pretrial matter is clearly erroneous or contrary to law, the party may request that I reconsider the ruling. Id.

Entered this 16th day of August, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge