

C/m

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

MEMORANDUM AND ORDER

Plaintiff,

CV 04-3076

-against-

(Wexler, J.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

COMPREHENSIVE BENEFITS
CONSULTANTS,

★ APR 25 2005 ★

Defendant.

LONG ISLAND OFFICE

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APPEARANCES:

MONIQUE J. ROBERTS, ESQ.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NEW YORK DISTRICT OFFICE
Attorneys for Plaintiff
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WEXLER, District Judge

Presently before the court is an objection of Defendant to a ruling of Magistrate Judge James Orenstein dated March 15, 2005, quashing a subpoena served by Defendant on a claimant's attorney. The subpoena was quashed on the ground that the discovery sought was barred by the attorney-client privilege and, in any event, inquiry into any limited area where the privilege was waived would not be reasonably likely to lead to the discovery of admissible evidence.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, this court shall modify or set aside any part of the order appealed from that is "clearly erroneous or contrary to law." FRCP 72(a). This court has reviewed the parties' submissions and the order of the Magistrate Judge and concludes that the order appealed from should be affirmed. Accordingly, Defendant's objections are hereby overruled and the Order of Magistrate Judge James Orenstein dated March 15, 2005, is affirmed.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
April 25, 2005