

Tobacco Co., 200 F.R.D. 661, 667 (D. Kan. 2001) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). Magistrate judges have broad discretion to manage the pretrial docket and control discovery. *First Sav. Bank, F.S.B. v. First Bank Sys., Inc.*, 902 F. Supp. 1356, 1365–66 (D. Kan. 1995).

Given the circumstance of this case, Judge O’Hara’s order granting defendant’s motion for extension of time was not clearly erroneous. In fact, the order furthers the interests of justice. Due to a family medical situation, defense counsel was unable to take plaintiff’s deposition as scheduled. Forcing defendant to respond to summary judgment before having the opportunity to obtain relevant facts would be a waste of judicial resources, as well as the parties’ financial resources. The requested extension will allow the parties the time to conduct the necessary discovery to fully and properly brief the issues raised in plaintiff’s summary judgment motion. After reviewing the record, the court finds that Judge O’Hara’s decision is supported by the record. Accordingly, plaintiff’s motion is overruled.

IT IS THEREFORE ORDERED that Plaintiff’s Notice of Objection Pursuant to Fed. R. Civ. P. 72 and Motion for District Judge Review of Magistrate Judge’s Order Granting to Defendant’s Counsel an Extension of Time to Respond to Plaintiff’s Motion for Summary Judgment (Doc. 21) is overruled.

Dated this 23rd day of June 2009, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge