

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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NICHOLAS HADJIPATERAS	:	3:14 CV 82 (JAM)
CORP.	:	
	:	
V.	:	
	:	
STARFUELS, INC.	:	DATE: JUNE 11, 2015
-----X	:	

RULING FOLLOWING IN CAMERA REVIEW

On or about December 27, 2013, plaintiff Nicholas Hadjipateras commenced this lawsuit in the Connecticut Superior Court in Stamford against his former employer, Starfuels, Inc. ["defendant Starfuels"], with respect to his termination on July 15, 2013; defendant Starfuels removed the lawsuit to this district court on January 23, 2014 on the basis of diversity of jurisdiction. (Dkt. #1). On May 5, 2014, defendant Starfuels filed its Answer, Counterclaim against plaintiff, and Cross-Complaint against Odin Marine Group, LLC ["Odin"], by whom plaintiff had been employed prior to arriving at defendant Starfuels (Dkt. #20); defendant Starfuels filed an Amended Answer, Counterclaim and Cross-Complaint on August 2, 2014 (Dkt. #34), followed by a [Second] Amended Cross-Complaint filed on December 10, 2014. (Dkt. #48). Plaintiff filed his Answer to the Counterclaim on July 25, 2014 (Dkt. #31), and on March 6, 2015, defendant Starfuels filed its Stipulation of Dismissal with respect to the Third-Party Complaint (Dkt. #54), leaving plaintiff and defendant Starfuels, once again, as the only litigants in this lawsuit. Under the latest Scheduling Order filed by U.S. District Judge Jeffrey Alker Meyer, filed January 22, 2015 (Dkt. #51), all discovery will be completed by July 31, 2015 and all dispositive motions will be filed by August 31, 2015.

On April 29, 2015, now non-party Odin filed a Motion to Quash Subpoena and Motion

for Protective Order as to Notice of Deposition (Dkt. #57), which Judge Meyer referred to this Magistrate Judge on May 5, 2015. (Dkt. #58). A lengthy telephonic discovery conference was held before this Magistrate Judge ten days later (Dkt. #61), following which this Magistrate Judge filed an electronic order regarding the seven categories of documents sought to be produced by Odin. (Dkt. #62).¹ For Request No. 5, Odin's counsel was ordered to submit this Magistrate Judge's Chambers for her in camera review copies of the expense accounts submitted by Dave Young, one of defendant Starfuels' managing partners, for the years 2012-13, along with the expense accounts submitted by plaintiff for those same two years, for comparison. (Id.).

On June 4, 2015, Odin forwarded these documents with a cover letter, indicating that plaintiff's expense accounts already had been provided to plaintiff's counsel and defense counsel, but that those of Young had not. (See also Dkts. ##63-64). During the telephonic discovery conference, plaintiff's counsel argued that these expense accounts are relevant in that plaintiff conducted himself no differently than Young had. Odin submitted 2.75 inches of documents, with substantially more than half having been generated by plaintiff. Contrary to plaintiff's arguments, plaintiff's submissions were far more comprehensive, and more costly, than those of Young. Plaintiff's expenses were generated in other states and foreign countries, whereas Young's expenses were primarily local in nature. After a careful in camera review, the Magistrate Judge concludes that Young's expense reports are not relevant, and need not be disclosed to plaintiff's counsel and defense counsel.

Because this ruling is subject to review, see 28 U.S.C. § 636(b)(**written objections**

¹As the electronic order reflects, agreement was reached with respect to three requests (Nos. 2, 4, 6), orders were issued with respect to two requests (Nos. 3, 5), and one request was held in abeyance (No. 7). A continued telephonic discovery conference is scheduled for June 19, 2015. (Dkt. #65).

to ruling must be filed within fourteen calendar days after service of same); FED. R. CIV. P. 6(a), 6(e) & 72; Rule 72.2 of the Local Rules for United States Magistrate Judges, United States District Court for the District of Connecticut; Small v. Secretary, H&HS, 892 F.2d. 15, 16 (2d Cir. 1989)(**failure to file timely objection to Magistrate Judge's recommended ruling may preclude further appeal to Second Circuit**), these documents will remain in this Magistrate Judge's Chambers. If either party files an objection to this ruling, then the documents will be filed under seal and forwarded to Judge Meyer's Chambers for his in camera review. If no objection is filed, then the documents will be returned to counsel for Odin.

This is not a Recommended Ruling, but a ruling on a non-dispositive motion, the standard of review of which is specified in 28 U.S.C. § 636; FED. R. CIV. P. 6(a), 6(e) & 72; and Rule 72.2 of the Local Rules for United States Magistrate Judges. As such, it is an order of the Court unless reversed or modified by the District Judge upon timely made objection.

Dated at New Haven, Connecticut, this 11th day of June, 2015.

/s/ Joan G. Margolis, USMJ
Joan Glazer Margolis
United States Magistrate Judge