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4 IN THE UNITED STATES DISTRICT COURT
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6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 MARTIN LEWIS and AARON COOPER, on
11 behalf of themselves and a class of
12 those similarly situated,

13 Plaintiffs,

14 v.

15 WELLS FARGO & CO.,

16 Defendant.
17 _____/

No. C 08-2670 CW

ORDER PROVIDING
NOTICE OF AND
OPPORTUNITY TO BE
HEARD ON TENTATIVE
DECISION TO APPOINT
SPECIAL MASTER

18 The Court finds that the amount of judicial resources expended
19 adjudicating discovery disputes in this case constitutes
20 exceptional circumstances that warrant the appointment of a special
21 master to oversee discovery. The Court intends to order that the
22 cost of the special master's compensation shall be allocated at the
23 special master's discretion, including allocation of the cost of
24 the special master's compensation to the non-prevailing party upon
25 the resolution of a dispute. Pursuant to Federal Rule of Civil
26 Procedure 53(b)(1), the Court provides notice to the parties and an
27 opportunity to be heard on the appointment of a special master to
28 oversee discovery. The parties may file responses to this notice,
including suggestions of candidates for appointment, no later than

1 March 17, 2009

2 IT IS SO ORDERED.

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4 Dated: March 10, 2009



CLAUDIA WILKEN
United States District Judge

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