

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF ARKANSAS  
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE  
600 W. CAPITOL, ROOM A403  
LITTLE ROCK, ARKANSAS 72201  
(501) 604-5140  
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June 21, 2011

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Re: *B&B Hardware Inc. v. Fastenal Company*, No. 4:10CV00317-BRW

Dear Counsel:

In view of the highly unusual, intense, rather complex pre-trial disputes that continue to arise, I am strongly inclined to appoint a special master under Federal Rule of Civil Procedure 53.

I have contacted Mr. John Everett of Fayetteville and asked if he would be willing to serve as special master in this matter, assuming he has no conflict. He has replied in the affirmative, and assuming no conflict, I will be inclined to appoint him. We did not discuss the parties or facts, so he does not know whether there might be a conflict.

I would be happy to take suggested names from you, if you care to suggest anyone.

I would like to hear from you regarding the points set forth in Fed. R. Civ. P. 53, together with your objections, if any.

I will require each party to put up front-end money in a special master trust account so he can bill against this each month and "fill the pot" again after each billing.

The expenses and fees will be shared on a 50/50 basis, although this will be subject to change depending on what the special master recommends and I find.

Please respond to this letter by 3:00 p.m. tomorrow, Wednesday, June 22, 2011.

Cordially,

/s/ B.R. Wilson

Original to the Clerk of the Court