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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORGAN HILL CONCERNED
PARENTS ASSOCIATION, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
EDUCATION, et al.,

Defendants.

No. 2:11-cv-3471 KJM AC

ORDER

At the August 9, 2016 discovery conference, the court addressed *inter alia* plaintiffs’ request to meet privately with the Special Master to discuss technical problems that plaintiffs’ counsel has experienced in attempting to review discovery. See ECF No. 235. Defendants objected to the ex parte nature of the proposed meeting, and plaintiffs’ counsel spontaneously expressed willingness to include defense counsel. The request for a private meeting thus appeared moot, and no ruling on defendants’ objection was necessary.

The Special Master has now notified the court that in his professional judgment, a brief private meeting with plaintiffs’ counsel and her e-Discovery consultant will best enable him to understand the technical difficulties plaintiffs say they are experiencing because of the format of the deliverables they are receiving. The proposed private meeting will be for the limited purpose of helping the Special Master to understand these problems, prior to a joint session to discuss


1 issues related to the format of defendants' e-Discovery production and plaintiffs' review of that
2 discovery. The private meeting will not discuss the specifics of actual searches, nor involve any
3 suggestions for future searches.

4 Neither the Order appointing the Special Master, ECF No. 116, nor the subsequent Order
5 revising the scope of his duties, ECF No. 170, expressly limit the circumstances in which the
6 Special Master may meet with one party outside the presence of the other. It is the expectation of
7 the undersigned, however, that any such meetings will be extremely rare, and will take place only
8 with notice to the other party and with prior court approval.

9 The court finds that in the present circumstances, the proposed private meeting will enable
10 the Special Master to most effectively assist the parties in resolving their e-Discovery problems.
11 Given the limited purpose and scope of the meeting, there will be no prejudice to defendants. In
12 sum, the court finds good cause to approve the Special Master's request to meet with plaintiff's
13 counsel and her e-Discovery consultant prior to the upcoming joint meeting of the parties with the
14 Special Master. Defendant's objection is noted and overruled.

15 IT IS SO ORDERED.

16 DATED: September 12, 2016

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18 ALLISON CLAIRE
19 UNITED STATES MAGISTRATE JUDGE
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