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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORGAN HILL CONCERNED  
PARENTS ASSOCIATION, an  
unincorporated association, and  
CONCERNED PARENTS  
ASSOCIATION, an unincorporated  
association,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
EDUCATION, and DOES 1 through 5,

Defendant.

No. 2:11-CV-03471-KJM-AC

ORDER

The California Department of Education (CDE) has filed *in camera* a request for reconsideration of the court's order adopting the Special Master's fees for services rendered between November 11, 2015 and December 22, 2015. *See* Not. of Req., ECF No. 309; Am. Order, ECF No. 302. CDE seeks reconsideration on grounds that the court did not consider its objections, also filed *in camera*, to the Special Master's invoice. CDE is correct that, due to the court's prior lack of a good system for matching e-mailed objections to documents objected to, the court did not consider its *in camera* objections. *See* Am. Order at 1:23–25. In order to prevent such errors in the future, and to otherwise create a more streamlined and transparent

1 process for review of the Special Master's invoices for services, the court here sets forth a process  
2 that will apply to the pending and all future fee requests.

3           Effective immediately, before the court approves the Special Master's fees, the  
4 parties and Special Master will engage in the following four-step process:

5           (1) The Special Master will submit to the court for filing under seal, and serve on  
6           the parties, preliminary invoices apportioning fees between the parties as  
7           required by the court's previous order. To have filings placed immediately  
8           under seal by the clerk's office, the Special Master (or parties) must e-mail the  
9           filings to [approvedsealed@caed.uscourts.gov](mailto:approvedsealed@caed.uscourts.gov).

10          (2) The parties will have fourteen (14) days to submit to the court for filing under  
11          seal any objections to the draft invoices, using the process outlined above, with  
12          service on the Special Master.

13          (3) The Special Master will have thirty (30) days to submit to the court for filing  
14          under seal his final invoices and a written response to any party's objections,  
15          using the process outlined above, with service on the parties. The Special  
16          Master may respond to any objections as he sees fit.

17          (4) The parties will have fourteen (14) days to submit to the court for filing under  
18          seal any objections to the updated invoices prior to the court's review, using  
19          the process outlined above. The parties may only present the court with  
20          objections they have raised with the Special Master.

21 After the parties have completed this process in full, the matter of payment of the invoices will  
22 then be submitted to the court for review, and, as appropriate, issuance of an order for payment of  
23 the final invoices.

24           Given the lengthy and contentious history of this case, the court renews its  
25 cautionary admonishment that this new procedure "does not provide for attempting to impugn the  
26 Special Master through direct communication with him." *See* ECF No. 170 at 2. The parties are  
27 both reminded that "[a] special master is a 'surrogate' of the court and in that sense the service  
28 performed is an important public duty of high order in much the same way as is serving in the

1 Judiciary.” *Id.* (citing *Cordoza v. Pac. States Steel Corp.*, 320 F.3d 989, 995 (9th Cir. 2003)).

2 Any end runs around the orderly procedure for reimbursement of the Special Master, refined here,  
3 shall be addressed through appropriate sanctions. Similarly, any party may be subject to  
4 sanctions for making frivolous objections at any stage of this process.

5 This updated process will facilitate resolution of the CDE’s objections to the  
6 Special Master’s fees for services rendered between November 11, 2015 and December 22, 2015.  
7 Accordingly, the court VACATES its order requiring CDE to pay \$2362.50 for those services.  
8 *See* Am. Order.<sup>1</sup> The Special Master is directed to submit a renewed preliminary invoice, as  
9 required by step (1) in the process outlined above, for the \$2362.50 for services rendered between  
10 November 11, 2015 and December 22, 2015. After he does so, the remaining steps and deadlines  
11 outlined above will apply: (2) the parties will have fourteen (14) days to file any objections;  
12 (3) the Special Master will have thirty (30) days to file a final invoice and a response to any  
13 objections; and (4) the parties will have fourteen (14) days to file any objections to the final  
14 invoice. All filings should be made under seal as outlined above.

15 IT IS SO ORDERED.

16 DATED: July 25, 2017.

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UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Plaintiffs filed no objections to the Special Master’s invoice requiring them to pay \$700 and already paid that amount without being ordered to do so. *See* ECF 302 at 1–2.