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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALPHAVILLE DESIGN, INC.,  
Plaintiff,  
v.  
KNOLL, INC.,  
Defendant.

CASE NO. C 07-5569 MHP

**STIPULATION AND PROPOSED  
ORDER APPOINTING DISCOVERY  
MASTER**

Pursuant to Federal Rule of Civil Procedure 53, the Court appoints Martin Quinn of JAMS as Discovery Master to facilitate the fair and efficient completion of pretrial discovery.

1. The Court has observed that discovery disputes have increased in both frequency and complexity. Although fact discovery has closed, the parties have brought numerous motions seeking additional discovery and raising issues with completed discovery. In order to maintain the Court's trial schedule, it is essential to resolve all outstanding discovery disputes and to complete fact and expert discovery as quickly as possible. The Court finds that this cannot be done effectively in the time remaining by an available district judge or magistrate judge.

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2. The Court has given the parties notice of its intention to appoint a master, and directed them to submit three names. Both parties have agreed to the appointment of Mr. Quinn. All discovery disputes presently pending before the Court are hereby transferred to the Discovery Master.

3. The Court directs the Discovery Master to proceed with all reasonable diligence to supervise the completion of all remaining fact and expert discovery and reports, to hear and resolve either informally or by formal motion all discovery disputes with such briefing and hearings as he deems appropriate, and to issue orders deciding all discovery and expert report disputes. The Master may by order impose on a party any noncontempt sanction provided by Rule 37 or 45, and may recommend a contempt sanction against a party and sanctions against a nonparty. He shall have the power to award non-contempt sanctions in accordance with the Federal Rules of Civil Procedure and applicable law. His orders shall be filed with the court and served on the parties promptly. He shall have the power as set forth in Rule 53 (c)(1) and (2) to regulate all proceedings and take all appropriate measures to perform fairly and efficiently these tasks. His orders shall be filed with the court and served on the parties promptly.

4. The Discovery Master may communicate at any time with the court *ex parte*. He shall not communicate with any party or counsel *ex parte*.

5. The Discovery Master shall preserve all documents and records submitted by the parties or generated by him in the course of this assignment until the termination of his service in this case.

6. Decisions of the Discovery Master shall be reviewed by the court, as needed, in accordance with Rule 53(f). Findings of fact shall be reviewed for clear error; conclusions of law shall be reviewed de novo. Within 10 court days following service of any order of the Discovery Master, any party may file an objection in accordance with Rule 53(f).

7. The Discovery Master shall be compensated at his usual hourly rate of \$600 per hour, plus any reasonable administrative fee charged by JAMS. The parties shall pay the costs of the Discovery Master's services equally, unless otherwise ordered by the Discovery Master or the

1 Court. The parties further agree that where one party seeks redress from the Discovery Master  
2 against a nonparty, and the other party timely communicates to the opposing party and the  
3 Discovery Master that it will not participate in the proceeding with respect to the resolution of  
4 that issue, the full cost of the Discovery Master will be paid by the party seeking redress against  
5 the nonparty. In the event that the other party later seeks to participate in that proceeding, the  
6 costs of the Discovery Master will be split equally between the parties.

7 8. The Discovery Master is authorized to receive and consider all material designated as  
8 confidential by the protective orders, if any, in place in this case, and the Discovery Master shall  
9 comply with such orders.

10 **IT IS SO STIPULATED.**

11 DATED: February 1, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

13 By: /s/ Julia D. Greer  
14 Julia D. Greer  
15 Attorneys for Plaintiff ALPHAVILLE DESIGN,  
16 INC. and Counter-Claim Defendants  
ALPHAVILLE DESIGN, INC., DAVID LEE  
AND PEGGY LEE

17 DATED: February 1, 2010

K&L GATES LLP

19 By: /s/ Karineh Khachatourian  
20 Karineh Khachatourian  
21 Attorneys for Defendant and Counter-Claim  
22 Plaintiff KNOLL, INC.

23 **IT IS SO ORDERED.**

24 Dated February 5, 2010



25 ATTESTATION PER GENERAL ORDER 45, § X B

26 I hereby attest under penalty of perjury that Karineh Khachatourian, counsel for  
27 Defendant, concurs in the filing of this document, and that I have on file concurrence of counsel

28 13951.001.1339962v1

1 for Defendant indicated by a "conformed" signature (/s/) within this e-filed document.

2 DATED: February 1, 2010

COBLENTZ, PATCH, DUFFY & BASS LLP

3  
4 By: /s/ Julia D. Greer  
5 Julia D. Greer  
6 Attorneys for Plaintiff ALPHAVILLE DESIGN,  
7 INC. and Counter-Claim Defendants  
8 ALPHAVILLE DESIGN, INC., DAVID LEE  
9 AND PEGGY LEE  
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