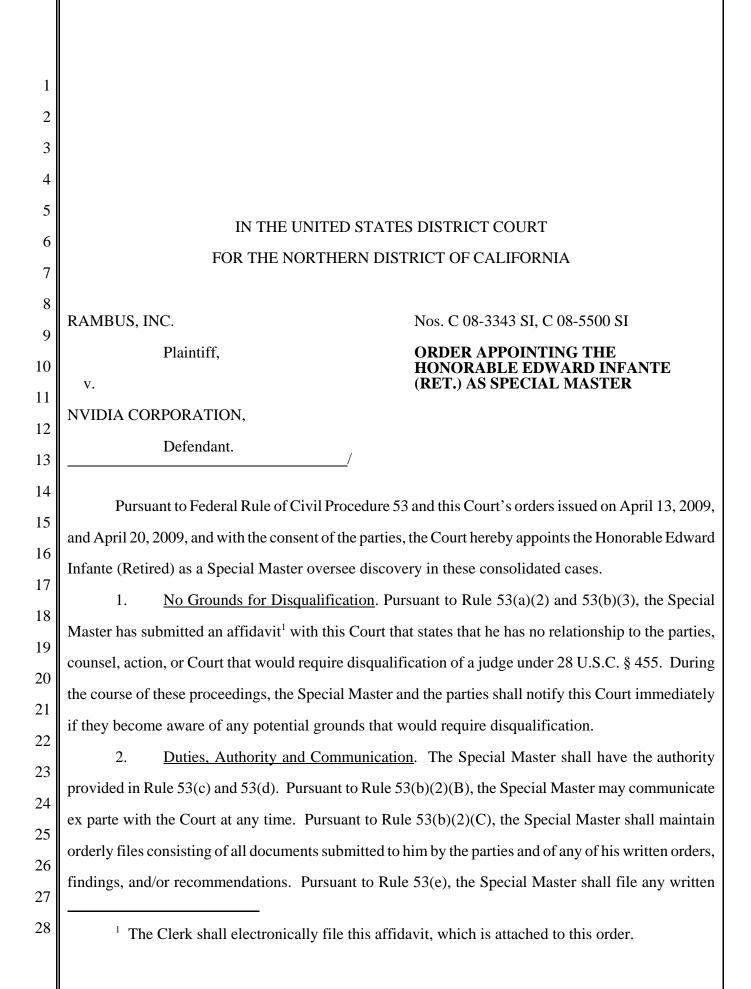
For the Northern District of California

United States District Court



orders, findings, and/or recommendations with the Court via the Court's Electronic Case Filing
("ECF").² Such filing shall fulfill the Special Master's duty to serve his order on the parties. Any
records of the Special Master's activities other than his written orders, findings, and/or
recommendations shall be filed in accordance with paragraph 6 herein.

3. <u>Compensation</u>. Pursuant to Rule 53(b)(2)(E) and 53(h), the Special Master shall be compensated at his reasonable hourly rate for his services as Special Master in these proceedings. The Special Master shall not charge for travel time. Plaintiffs and defendants shall each pay half of the Special Master's fees, unless the Special Master or the Court direct otherwise. The parties shall each be responsible for promptly forwarding payment of the Special Master's invoice.

4. <u>Action on Special Master's Orders, Reports or Recommendations</u>. Pursuant to Rule 53(b)(2)(D) and 53(g), the procedures described in paragraphs 5 through 8 herein shall govern any action on the Special Master's orders, reports, and/or recommendations.

5. <u>Time Limits for Review</u>. Any party wishing to file objections to or a motion to adopt or modify the Special Master's orders, reports, and/or recommendations must file such objections or motion with the Court within 14 days from the day the Special Master filed the order, report, and/or recommendation via ECF. Any order issued by the Special Master shall remain in effect pending any such objection or motion.

6. <u>Filing the Record for Review</u>. The party filing the objection or motion shall submit with
such objection or motion any record necessary for the Court to review the Special Master's order, report,
and/or recommendation, including any transcripts of proceedings before the Special Master and any
documents submitted by the parties in connection with the Special Master's order, report, and/or
recommendation. Failure to provide the record shall constitute grounds for the Court to overrule the
objection or deny the motion.

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²⁵² These cases are subject to Electronic Case Filing ("ECF"), pursuant to General Order 45, Section VI of which requires that all documents in such a case be filed electronically. General Order 45 provides at Section IV(A) that "Each attorney of record is obligated to become an ECF User and be assigned a user ID and password for access to the system upon designation of the action as being subject to ECF." If he has not already done so, the Court requests that Judge Infante register as an ECF user and be issued an ECF user ID and password. Forms and instructions can be found on the Court's web site at ecf.cand.uscourts.gov.

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7. Standard for the Court's Review. Pursuant to Rule 53(g)(3)-(5), the Court shall review findings of fact made or recommended by the Special Master for clear error. The Court shall review de novo any conclusions of law made or recommended by the Special Master. The Court will set aside the Special Master's ruling on a procedural matter only for an abuse of discretion.

8. Court's Actions on Special Master's Orders. Pursuant to Rule 53(g)(1), in acting on an order, report, or recommendations of the Special Master, the Court shall afford each party an opportunity to be heard and, in its discretion, may receive evidence, and may adopt or affirm; modify; wholly or partly reject or reverse; resubmit to the Special Master with instructions; or make any further orders it deems appropriate.

IT IS SO ORDERED.

Dated: May 1, 2009

Junen Alston

SUSAN ILLSTON United States District Judge

United States District Court For the Northern District of California