

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA A. McCOLM,
Plaintiff,

No. C-09-4132 SI (EMC)

v.

**ORDER APPOINTING SPECIAL
MASTER**

FOREMOST INSURANCE COMPANY,
Defendant.

On April 28, 2011, this Court issued an order regarding Defendant’s discovery motions. Docket No. 157. It held in abeyance Defendant’s request to compel Plaintiff to provide dates for the deposition and to appoint a special master to supervise the deposition, pending Judge Illston’s ruling on Defendant’s motion to compel the deposition. Judge Illston has now issued an order requiring Plaintiff to give and complete her deposition in Weaverville no later that May 19, 2011. Docket No. 160. Good cause appearing therefor, this Court **GRANTS** Defendant’s request to appoint a special master to supervise that deposition. Specifically, the Court orders as follows:

1. Larry B. Moss is hereby appointed as Special Master, pursuant to Federal Rules of Civil Procedure 53, for the limited purpose of supervising the deposition of Ms. McColm.
2. The following exceptional circumstances require this appointment: the conduct of Plaintiff at a previous deposition, as well as prior Court hearings, indicates the need for a discovery referee to be present at Plaintiff’s deposition, to avoid unnecessary termination of the deposition and costly motions.

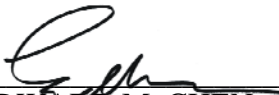
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3. The Special Master will be present to prevent abusive or disorderly conduct and to insure compliance with Judge Illston's order (Docket No. 160).
4. A reasonable fee shall be paid to the Special Master for attending the deposition and for such other services as may be reasonably required incidental thereto.
5. The Court finds that Plaintiff has established an inability to pay a pro rata share of fees and Defendant has agreed voluntarily to pay the entirety of the Special Master's fee. Therefore, such fee shall be paid upon demand by the referee by Defendant, but may later be reallocated as the Court deems appropriate.
6. The Court reserves jurisdiction to allow the fees to the Special Master as costs of suit to the prevailing party in this action and to make such other and further orders with respect to this reference as may be just and proper.

In all other respects, the deposition shall proceed consistent with Judge Illston's order.

IT IS SO ORDERED.

Dated: May 3, 2011



EDWARD M. CHEN
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA McCOLM,
Plaintiff,

No. C-09-4132 SI (EMC)

v.

CERTIFICATE OF SERVICE

FOREMOST INSURANCE COMPANY,
Defendant.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Patricia A. McColm
P.O. Box 113
Lewiston, CA 96052

Dated: May 3, 2011

RICHARD W. WIEKING, CLERK

By: /s/ Leni Doyle
Leni Doyle
Deputy Clerk