

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

T.T., a minor, by and through his guardian  
ad litem SUSAN T.,

No. C 12-02349 WHA

Plaintiff,

v.

COUNTY OF MARIN,

Defendant.

**ORDER REGARDING  
SELECTION OF SPECIAL  
MASTER TO DETERMINE  
ATTORNEY’S FEES**

The declarations filed by the parties (Dkt. Nos. 84–85) show they have been unable to reach agreement on a special master on their own. Appended to this order are the resumes of four potential masters. The parties are encouraged to select a mutually agreeable special master from the options provided by **MARCH 14 AT NOON**. If the parties are unable to reach agreement due to objections to these candidates, the Court will select the special master. The objecting party should file a declaration stating the basis for the objection. These are **NOT** peremptory challenges — there must be good cause for any objection.

As for the objection by plaintiffs to the cost of the special master, this objection is overruled for two reasons. *First*, Rules 53 and 54 specifically provide that the special master may determine the value of services for purposes of attorney’s fee awards and that the special master will be compensated. *Second*, all of the candidates have agreed to a greatly reduced hourly rate of \$250/hour as a service to the Court. The parties are reminded that the Court will allocate the fees of the special master in a fair and reasonable manner, taking into account the

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reasonableness of the parties' respective positions and the special master's recommendation in this regard. If the movant must pay, then the special master's compensation shall be deducted from the attorney's fee award until satisfied and thereafter shall be taxed to movant. If the opposing party must pay the special master, then it shall pay the special master and pay the award. The Court will, however, reserve final judgment on allocation of the expense of the special master until a final determination of the fee issue.

**IT IS SO ORDERED.**

Dated: March 11, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE