

1 John R. Till SBN 178763 JTill@PaladinLaw.com
 Kirk M. Tracy SBN 288508 KTracy@PaladinLaw.com
 2 PALADIN LAW GROUP® LLP
 1176 Boulevard Way
 3 Walnut Creek, CA 94595
 Telephone: (925) 947-5700
 4 Facsimile: (925) 935-8488

5 Counsel for Plaintiffs
 6 RYAN, ANNE, and REESE SCHAEFFER

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 RYAN SCHAEFFER, an individual; ANNE
 12 SCHAEFFER, an individual; and REESE
 13 SCHAEFFER, a minor by and through her
 general guardians Ryan Schaeffer and Anne
 Schaeffer,

14 Plaintiffs,

15 v.

16 GREGORY VILLAGE PARTNERS, L.P., a
 17 California Partnership, et al.

18 Defendants.
 19

Case No. 3:13-CV-4358 JST

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR APPOINTMENT OF A
 SPECIAL MASTER FOR DISCOVERY**

20 This proposed appointment order for appointment of a special master is submitted to the
 21 Court pursuant to the Court's May 27, 2015 order (ECF No. 227, the "Order") arising out of a
 22 discovery dispute between the plaintiffs Ryan, Anne and Reese Schaeffer (collectively,
 23 "Plaintiffs") and the defendants Gregory Village Partners, L.P. and VPI, Inc. (collectively,
 24 "Gregory Village"). (Plaintiffs and Gregory Village are collectively referenced as the "Parties").

25 The Court has determined that the discovery disputes "cannot be effectively and timely
 26 addressed by an available district judge or magistrate judge of the district" and that appointment
 27 of a special master is appropriate. ECF No. 227, at 3:21-24. The Order has therefore directed the
 28 Parties, pursuant to Federal Rules of Civil Procedure, Rule 53(b), to identify a mutually



1 acceptable special master along with all the terms required by Rule 53(b)(2) or, to the extent the
2 Parties differ, to file competing proposals

3 Initially, the Special Master is specifically tasked with the review in camera of all
4 documents identified as privileged on Gregory Village's privilege log, as revised by Gregory
5 Village in light of the rulings and guidance provided by the Court in the Order. The Special
6 Master is to take into consideration the orders of this Court related to Gregory Village's
7 privilege log and the Court's determination regarding privileged and unprivileged documents.
8 Gregory Village will submit all documents, including those with redactions, on its privilege log
9 not already reviewed by this Court and for which Gregory Village continues to assert a privilege.
10 Gregory Village shall determine any document it is going to "de-privilege" by July 1, 2015 and
11 shall provide an updated privilege log to the Special Master and Plaintiffs, which shows the
12 remaining privileged documents, by the same date. Any document "de-privileged" by Gregory
13 Village shall be produced to Plaintiffs by July 6, 2015. Gregory Village will then provide the
14 remaining privileged documents to the Special Master for review on July 6, 2016.

15 IT IS HEREBY ORDERED:

16 1. Honorable Wayne D. Brazil (Ret.) of Two Embarcadero Center, Suite 1500, San
17 Francisco, CA 94111 is appointed Special Master for the purpose of any further discovery
18 disputes between the Parties, including the privileged or work product nature of Gregory
19 Village's documents. ECF No. 227, at 3:21-24. Attached is special master and discovery referee
20 reference information. The duties of the Special Master shall include, but are not limited to,

21 a. Managing and supervising discovery and resolving discovery disputes.

22 b. Hearing evidence on discovery disputes and issuing findings and decisions on
23 discovery disputes.

24 c. Managing and supervising discovery involving electronic information or data.

25 The Special Master is directed to proceed with all reasonable diligence to complete the
26 tasks assigned by this order.

27
28 2. The Honorable Wayne D. Brazil (Ret.) shall have discretion to determine the



1 appropriate procedures for resolution of matters assigned to the Special Master and shall have the
2 authority to implement those procedures, subject to the following terms in this paragraph and the
3 following paragraphs.

4 The Special Master may request or require the Parties to supply any further information
5 that the Special Master shall deem necessary.

6 Before issuing any ruling, the Special Master shall provide a “tentative ruling”, which will
7 provide either party the opportunity to comment upon the “tentative ruling”. The Special Master
8 shall provide the Parties with reasonable notice of the date of the tentative ruling. The Parties will
9 then have until the close of business (5:00 p.m. PST) the day following the tentative ruling to
10 provide any comments or objections. Any comments or objections may be made in letter format
11 and submitted to the Special Master and the other party via email.

12 The Special Master will prepare a report within 30 days of receiving the information
13 necessary to make a ruling unless otherwise stipulated by the Parties or ordered by the Special
14 Master.

15 Pursuant to FRCP Rule 53(f), the Court shall conduct a de novo review of the Special
16 Master’s report or recommendations. The Parties shall have 21 days after the issuance of any
17 report or recommendations by the Special Master to file any objections or motion to adopt or
18 modify the report or recommendations.

19 The Special Master may by order impose on a party any noncontempt sanction provided
20 by [Rule 37](#) or [45](#), and may recommend a contempt sanction against a party and sanctions against
21 a nonparty.

22 3. No ex parte contact. The Parties shall not engage in any ex parte discussions with the
23 Special Master and the Special Master shall not engage in any ex parte discussions with any of
24 the parties. Ex parte communications are allowed for scheduling and other non-substantive
25 communications with staff of the Special Master. [Fed. R. Civ. P. 53(b)(2)(B)]

26 4. The Parties shall file with the Clerk all papers filed for consideration with the Special
27 Master. The Special Master shall also file with the Clerk all reports or other communications with
28 the Court. [Fed. R. Civ. P. 53(b)(2)(C)].



