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

ILWU-PMA WELFARE PLAN BOARD  
OF TRUSTEES and ILWU-PMA  
WELFARE PLAN,

Plaintiffs,

v.

CAREWISE HEALTH, INC., f/k/a SHPS  
HEALTH MANAGEMENT SOLUTIONS,  
INC.,

Defendant.

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No. C 15-02965 WHA

**ORDER RE DEFENDANT'S  
LETTER OBJECTION DATED  
FEBRUARY 28, 2017**

The Court has reviewed defendant Carewise Health, Inc.'s letter dated February 28, 2017 (Dkt. No. 120), objecting to the amount of attorney's fees sought by plaintiffs pursuant to the prior order granting in part plaintiffs' motion for sanctions. This order concludes this dispute is suitable for referral to a special master pursuant to Federal Rule of Civil Procedure 53, using the following procedure:

1. The Court is inclined to appoint Matthew Borden, one of the undersigned judge's former law clerks, as the special master for this dispute. By special accommodation of the Court, Mr. Borden has agreed to provide this service at the reduced rate of \$200 per hour. By **MARCH 16 AT NOON**, each side shall submit a statement with any objection to the appointment, including any suggestions for alternative candidates or request to be heard. If neither side objects, then the Court will proceed with the appointment as described herein.

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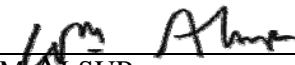
2. The parties shall provide the special master with copies of all documents relevant to this dispute, including the prior order granting in part plaintiffs’ motion for sanctions. The special master shall review the briefs and declarations by the parties on the pending objection, hear argument, and then determine a reasonable amount to award, including any fees on fees. The special master shall also determine the extent to which any discovery should be permitted — with the caution that further discovery should be the exception and not the rule. The special master shall then prepare and file a report on recommended findings and amount.

3. Except for any supplementation allowed by the special master, the foregoing submissions, including the briefs already filed, shall be the entire record for this dispute. There will be no further replies unless allowed by the special master. Any further submissions for the special master’s use should not be filed with the Court. If objections are later made to the special master’s report, then the objecting party must file a declaration submitting to the Court a complete appendix of relevant communications with the special master.

4. The special master will include in his report a recommendation for allocating his fees among the parties, taking into account the equities and merits of both sides’ respective positions in this dispute.

**IT IS SO ORDERED.**

Dated: March 9, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE