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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Language Line Services, Inc.,

NO. C 10-02605 JW

Plaintiff,

**ORDER APPOINTING SPECIAL
MASTER**

v.

Language Services Associates, LLC, et al.,

Defendants.

On July 13, 2010, the Court nominated Tom Denver as a Special Master to assist in the management of this lawsuit. (Docket Item No. 50.) To date, no objections have been filed as to the Court's notice of intent to appoint Mr. Denver. Thus, due to the parties' consent, the Court appoints Tom Denver as the Special Master in this case pursuant to Rule 53 of the Federal Rules of Civil Procedure.

A. Scope of the Special Master's Appointment

The Special Master shall preside over all proceedings, with the power to hear and make reports and recommendations on the following pretrial matters:

- a. Preservation of any of Plaintiff's alleged confidential information in the possession of Defendants;
- b. Forensic imaging and analysis of Defendant LSA's computer systems and servers, including laptop computers in the possession of Defendants Curtin and Schwartz and other sales representatives' computers and laptops, for the purpose of ascertaining the extent of Plaintiff's alleged confidential information in Defendants' possession. The Special Master shall have the power to select an independent third party to perform the forensic imaging and analysis; and
- c. Defendants' communications with any customers appearing in Plaintiff's alleged confidential information.

1 The Special Master shall exercise the power necessary or proper to regulate all proceedings
2 before him and shall do all acts and take all measures necessary or proper for the efficient
3 performance of his duties under this Order.

4 The Special Master shall file numbered interim reports or recommendations to the extent
5 relevant which: 1) advise this Court of the status of the case, and 2) recommend the disposition of
6 any matter heard by him. The parties shall have ten (10) days from the date an interim report or
7 recommendation is filed to file any objections. Any party opposing the objection(s) shall file an
8 opposition within ten (10) days after the objection is filed. If no objection is filed, the Special
9 Master's report or recommendation shall become a binding Order of the Court and the parties shall
10 comply with the Order. If, however, an objection is filed, the matter shall be deemed submitted to
11 the Court without oral argument twenty (20) days after the Special Master's report or
12 recommendation is filed—unless an application is made and the Court orders the matter to be
13 scheduled for hearing.

14 Reports or recommendations pertaining to non-dispositive motions or pretrial discovery
15 matters shall be reconsidered by this Court only where the Special Master's report or
16 recommendation is clearly erroneous or contrary to law.

17 **B. Fees and Costs of Special Master**


18 Unless the Court receives a recommendation from the Special Master for some other
19 apportionment, each party shall bear the cost of the Special Master on a *per capita* basis, payable in
20 advance. On or before **August 2, 2010**, parties shall meet and confer with the Master and develop a
21 plan to set up a trust account whereby the parties shall deposit, initially, \$10,000 each to cover the
22 anticipated fees and costs. The Special Master shall issue statements to the parties and draw from
23 the trust account every 30 days for his performance of the appointment. The Special Master will bill
24 at the rate of \$600.00 per hour.

25 The Special Master shall report to the Court on a periodic basis, every 90 days, regarding the
26 state of his fees and expenses and make a recommendation to the Court as to whether the trust
27 account needs additional deposits from the parties as the case progresses.

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To complete the appointment, Mr. Denver shall file the affidavit required by Rule 53(b)(3) of Federal Rules of Civil Procedure within ten (10) days from the date of this Order.

Dated: July 26, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Robert L. Meylan rmeylan@murphyrosen.com
3 Steven Marc Weinberg smweinberg@cdas.com

4 **Dated: July 26, 2010**

Richard W. Wieking, Clerk

6 **By: /s/ JW Chambers**
7 **Elizabeth Garcia**
8 **Courtroom Deputy**

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