

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01099-MSK-KLM

LEAH YULE-WARD,

Plaintiff,

v.

DTG OPERATIONS, INC., d/b/a Thrifty Car Rental,

Defendant.

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**ORDER APPOINTING SPECIAL MASTER FOR FACEBOOK DISCOVERY**

**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court *sua sponte*, pursuant to my Minute Order dated January 12, 2010 [Docket No. 24]. The Court has reviewed the parties' Status Reports, which propose different experts to be appointed as a Special Master regarding discovery of Plaintiff's entries on her webpage on a social networking website named "Facebook" [Docket No. 28; Filed January 15, 2010; Docket No. 29; Filed January 15, 2010]. Based upon Fed. R. Civ. P. 53(a)(1)(C) and the Court's conclusion that the parties' dispute regarding Facebook discovery cannot be effectively addressed by the assigned District Judge and Magistrate Judge in this matter,

**IT IS HEREBY ORDERED:**

1. Robert P. Kelso (the "Special Master") is appointed Special Master for the purpose of writing a report regarding issues relating to discovery of Plaintiff's entries on her Facebook webpage. Mr. Kelso's contact information is:

Forensic Pursuit  
1550 Larimer Street, Suite 149  
Denver, CO 80202  
(303) 495-2082 (ph)  
(720) 221-8177 (fax)

2. On or before February 4, 2010, the Special Master shall provide to the parties and the Court a written report (the "Report") addressing the following issues:
  - A) Whether Plaintiff's entries from September 29, 2007 to the present date on her Facebook webpage can be separated from entries authored by others and subsequently printed;
  - B) If so, the method(s) by which such separation and printing can be accomplished; and
  - C) The reasonably anticipated cost of each method.
3. Plaintiff and her attorney shall promptly provide the Special Master with all access to Plaintiff's computer(s) reasonably necessary to complete the Report.
4. The Special Master shall not disclose the content of Plaintiff's Facebook entries to anyone other than the Court and counsel for the parties. The parties shall not engage in any *ex parte* discussions with the Special Master and the Special Master shall not engage in any *ex parte* discussions with any of the parties.
5. The Special Master shall file the Report with the Clerk of the Court.
6. Any party seeking review of the Special Master's Report shall file objections pursuant to Fed. R. Civ. P. 53(f)(2). All such objections will be resolved by

Magistrate Judge Mix.

7. Defendant shall pay the Special Master his ordinary fees for work done pursuant to this Order, and all reasonable expenses incurred in preparing the Report.
8. Defendant shall provide a copy of this Order to the Special Master.

Dated: January 21, 2010

BY THE COURT:

s/ Kristen L. Mix  
United States Magistrate Judge  
Kristen L. Mix