

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00865-REB-KLM

RICHARD SMITH, individually and on behalf of all others similarly situated,

Plaintiff,

v.

KEYPOINT GOVERNMENT SOLUTIONS, INC., a Delaware corporation,

Defendant.

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**PRELIMINARY ORDER APPOINTING MASTER FOR DISCOVERY**

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

This matter is before the Court on Plaintiff's oral Motion to Compel Response to Requests for Production Nos. 10 and 15. See [#81].<sup>1</sup> Pursuant to Fed. R. Civ. P. 53(a)(1)(C) and the Court's conclusion that discovery disputes cannot be effectively and timely addressed by the assigned District Judge and Magistrate Judge in this matter,

**IT IS HEREBY ORDERED:**

1. J. Gregory Whitehair, Esq. (the "Master") is appointed Master for the purpose of managing and supervising discovery and resolving discovery disputes. Mr. Whitehair's contact information is:

1624 Market St., Suite 202  
Denver, CO 80202  
(303) 900-8905  
[jgw@ipresolutionco.com](mailto:jgw@ipresolutionco.com)

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<sup>1</sup> [#81] is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). This convention is used throughout this Order.

The Master is directed to proceed with all reasonable diligence to complete tasks assigned by this Order.

2. The Master shall file an affidavit disclosing whether there is any ground for disqualification under 28 U.S.C. § 455 on or before **April 29, 2016**.

3. Any objections to appointment of the Master must be filed on or before **May 4, 2016**.

4. The Master shall convene such hearings or direct the submission of motions and briefs relating to discovery disputes as the Master deems appropriate and shall issue orders resolving such disputes.

5. The Master shall have the sole discretion to determine the appropriate procedures for resolution of all assigned matters as set forth above and shall have the authority to take all appropriate measures to perform the assigned duties as set forth above. The Master may, by order, impose on a party any sanction other than contempt and may recommend a contempt sanction against a party and contempt or any other sanction against a non-party.

6. The parties shall not engage in any *ex parte* discussions with the Master and the Master shall not engage in any *ex parte* discussions with any of the parties.

7. The parties are no longer obligated to comply with Magistrate Judge Mix's discovery procedures. All discovery disputes shall be addressed by filing the appropriate motion (and subsequent briefing) on the Court's docket. Magistrate Judge Mix will refer appropriate discovery motions to the Master. All filings must comply with the applicable Federal Rules of Civil Procedure and Local Rules. The parties shall file on the docket all

papers for consideration by the Master. The Master shall also file on the docket all orders and reports.

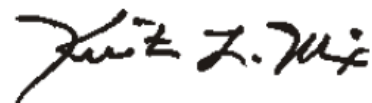
8. Any party seeking review of any ruling by the Master shall file objections pursuant to Fed. R. Civ. P. 53(f)(2). All such objections will be resolved by Magistrate Judge Mix.

9. The Master shall be reimbursed by the parties for all reasonable fees and expenses incurred in executing his duties under this Order. As to any particular portion of the proceedings necessitated by the conduct of one party, the Master may assess fees and expenses of that portion of the proceedings to the responsible party. It is in the discretion of the Master to allocate the fees and expenses between the parties.

10. The Master shall be paid \$300.00 per hour for work done pursuant to this Order. The Master may enlist the help of a paralegal, Jody Hobbs, who shall be paid \$85 per hour for work done pursuant to this Order, and who shall be reimbursed for all reasonable expenses incurred. The Master shall bill the parties on a monthly basis for fees and disbursements. Payment to the Master by the parties shall be due upon receipt. The Court may impose sanctions against any party who fails or refuses to pay the fees and expenses assessed by the Master.

Dated: April 21, 2016

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix". The signature is written in a cursive, flowing style.

Kristen L. Mix  
United States Magistrate Judge