UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 11-1560 (ESH)
	)	
AT&T INC., et al.,	)	
	)	
Defendants.	)	

ORDER

Upon consideration of the representations of counsel for the plaintiffs and defendants,[1]

the applicable case law, the record herein, and with the consent of all parties, it is this 7th day of

October, 2011, hereby **ORDERED** that:

1.   The Hon. Richard A. Levie (Ret.) ("Special Master") shall be appointed pursuant

to Rule 53 of the Federal Rules of Civil Procedure as Special Master in this action for the

purpose of considering matters referred to him as described in Paragraph 2 below. The Special

Master shall have the rights, powers, and duties provided in Rule 53 and may adopt such

procedures as are not inconsistent with that Rule or with this or other Orders of the Court.

2.   Scope of Reference: The following matters are referred to the Special Master for

him to consider and rule upon:

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[1] The parties to this action are defined as: the United States of America, the State of
California, the State of Illinois, the Commonwealth of Massachusetts, the State of New York, the
State of Ohio, the Commonwealth of Pennsylvania, the Commonwealth of Puerto Rico, AT&T
Inc., Deutsche Telekom AG, and T-Mobile USA, Inc.. Any additional parties who are permitted
to join this lawsuit will be subject to this Order, including responsibility for proportional sharing
of costs, unless the Court permits, upon motion, the party to opt out.

All disputes or matters relating to discovery in the above-captioned case, including but not limited to claims of privilege, motions to compel, motions for protective order, scheduling, e-discovery, and expert discovery.

3.   Discovery Motions: Motions by any party or nonparty subject to discovery shall be filed with the Special Master following a substantive meet and confer. Responses must be filed within 48 hours after e-mail service on opposing counsel and the Special Master, except that responses to motions filed on Fridays shall be due by 5 p.m. eastern on Monday. Each side shall have a maximum of 750 words per issue[2] for moving and opposing submissions. Replies shall be limited to 250 words per issue and shall be served no later than 24 hours after receipt of the opposition. Plaintiffs and Defendants may each choose up to three issues during the course of this litigation as to which each side shall have 2,500 words, with the reply limited to 1,000 words. Service shall be by e-mail and in Word format, with two hard copies (including copies of all cases and other cited materials) delivered to the Special Master by either hand or overnight delivery. The Special Master also is authorized to require submission to him of briefs with hyperlinks and cases and exhibits on disks. All papers filed for consideration by the Special Master shall also be filed with the Clerk, subject to the Amended Stipulated Protective Order Concerning Confidentiality or any superseding Order.

4.   In light of the expedited schedule for trial of this matter, the Special Master shall in his discretion rule on the papers or hear argument in person or by teleconference. Any party seeking a hearing on any motion shall set forth in the motion or the opposition the reasons why argument is necessary. Movants and Respondents shall make counsel available for any hearing or teleconference scheduled by the Special Master. The Special Master shall file with the Clerk copies of all written orders, subject to the Amended Stipulated Protective Order Concerning

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[2] For the purposes of this Order, word limits include the text in related footnotes or endnotes.

Confidentiality or any superseding Order. Consistent with the Special Master's schedule, it is anticipated that rulings will be made within 3 or 4 days of either the completion of briefing on a motion or oral argument.

5.   The rulings of the Special Master on matters referred to him under paragraph 2 shall be final unless the Special Master certifies the ruling for appeal to this Court. Any party or nonparty seeking certification shall submit its reasons, in a writing of no more than 250 words per issue and within 24 hours of the ruling for which certification is sought. Any party or nonparty opposing certification may also submit a writing of no more than 250 words per issue within 24 hours of the certification request. Upon notice of certification by the Special Master, the party or nonparty seeking to appeal shall within 48 hours file a brief of no more than 2,000 words per issue, except upon good cause shown. Responses of similar length shall be filed within 48 hours, except that responses to appeals filed on Fridays shall be due by 5 p.m. eastern on Monday.

6.   The Special Master may communicate ex parte with the Court on matters of procedure, but shall not otherwise engage in ex parte discussions.

7.   Compensation at rates mutually agreeable to the Special Master and the parties shall be paid to the Special Master on a monthly basis by the parties, together with reimbursement for reasonable expenses incurred including the cost of the Special Master's law clerk(s). Plaintiffs will be jointly responsible for paying one-half of the fees and expenses described herein; Defendants will be jointly responsible for paying the other half of the fees and expenses described herein.

8.   The parties shall have weekly in-person or telephonic conferences with the Special Master beginning Tuesday, October 18, at 8:30 a.m. eastern and continuing thereafter

every week on Tuesday at 8:30 a.m. eastern, or as otherwise scheduled by the Special Master.

Counsel with authority as to the matters on the agenda for the conference shall participate in

every conference.

Ellen S Huvelle

Hon. Ellen Segal Huvelle
United States District Judge

Copies served upon:

Hon. Richard A. Levie (Ret.)
Electronic Service List