

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

WALTER D. BALLA, *et al.*,
Plaintiffs,

v.

IDAHO STATE BOARD OF
CORRECTION, *et al.*,

Defendants.

Case No. 1:81-cv-1165-BLW

**ORDER GRANTING STIPULATION
FOR APPOINTMENT OF SPECIAL
MASTER**

The parties have filed a stipulation with the Court proposing that Susie Boring-Headlee be appointed as a special master in this case. This appointment has been proposed by both sides in this case, and was not proposed at the behest of the Court.

Ms. Boring-Headlee has submitted an affidavit, as required by Rule 53(b)(3)(A) of the Federal Rules of Civil Procedure, disclosing whether she has “any relationship to the parties, attorneys, action, or court that would require disqualification of a judge under 28 U.S.C. § 455.” Fed. R. Civil P. 53(a)(2); (b)(3)(A). After reviewing the Affidavit, the Court finds that Ms. Boring-Headlee does not have “a relationship to the parties, attorneys, action, or court that would require disqualification of a judge under 28 U.S.C. § 455.” Furthermore, notwithstanding any grounds for disqualification, the parties have stipulated to waive any potential ground for disqualification. (Dkt. 944, ¶ 4); Fed. R. Civ. P. 53(b)(3)(B).

Based on their stipulation, the Court will approve the stipulation.

ORDER

NOW THEREFORE IT IS HEREBY ORDERED:

ORDER GRANTING STIPULATION FOR APPOINTMENT OF SPECIAL MASTER--1

- 1) That the Stipulation (docket no. 944) is APPROVED, and that Susie Boring-Headlee is appointed as a special master in this case under Rule 53 of the Federal Rules of Civil Procedure and 18 U.S.C. § 3626(f). The Clerk shall send a copy of this Order to Ms. Boring-Headlee at her email address: sbheadlee@gmail.com. The Clerk's Office shall enter Susie Boring-Headlee as an interested party to allow her to receive documents, included sealed pleadings, in this case.
- 2) Ms. Boring-Headlee is appointed to assist the Court in overseeing the Parties' compliance with the Stipulation to Modify Injunctive Relief (Dkt. 842) and the Modified Compliance Plans ("MCP") on file in this action. As used in this paragraph, "overseeing" means receiving written reports from the parties, meeting with counsel and/or the parties, mediating disputes among the parties and/or counsel, asking the parties for further information, and providing summaries of meetings or the materials received for the Court. The term "overseeing" does not include holding evidentiary hearings, making any findings, or receiving or acting upon formal written motions. In performing these duties, Ms. Boring-Headlee will act pursuant to the directions of Judge David O. Carter, to whom the Court has referred all matters related to oversight and enforcement of the Stipulation to Modify Injunctive Relief (Dkt. No. 842) and the Modified Compliance Plans on file in this matter.
- 3) Ms. Boring-Headlee will assist with and participate in the dispute resolution process as set forth in § 7.1 of the Stipulation to Modify Injunctive Relief (Dkt. 842).
- 4) Ms. Boring-Headlee shall be compensated by Defendants for her services as special master, at a rate mutually agreed upon by Ms. Boring-Headlee and Defendants, but "not greater than the hourly rate established under section 3006A for payment of

court-appointed counsel.” 18 U.S.C. § 3626(f)(4). Defendants may petition the Court for compensation of Ms. Boring-Headlee pursuant to Rule 53(g)(2)(B).

- 5) Ms. Boring-Headlee shall not have any *ex parte* communications regarding this matter with the parties or their counsel, other than for scheduling or procedural purposes unrelated to the merits of the litigation, the Stipulation to Modify Injunctive Relief (Dkt. No. 842), or the Modified Compliance Plans.
- 6) Ms. Boring-Headlee shall retain all documents obtained by her in the performance of her duties and shall make such documents available to the Court upon the Court’s request.
- 7) Ms. Boring-Headlee’s appointment as special master shall terminate upon the termination of the *Balla I* Orders 1, 3, 4, and 5 as set forth in Section 6.7 of the Stipulation to Modify Injunctive Relief (Dkt. 842); or earlier upon order of the Court or stipulation of the parties.



DATED: March 25, 2015

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court