

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

THE WEATHER UNDERGROUND, INC.,
a Michigan corporation,

Plaintiff,

vs.

Case No. 2:09-CV-10756
Hon. Marianne O. Battani

NAVIGATION CATALYST SYSTEMS, INC.,
a Delaware corporation; BASIC FUSION, INC.,
a Delaware corporation; CONNEXUS CORP.,
a Delaware corporation; and FIRSTLOOK, INC.,
a Delaware corporation,

Defendants.

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
231-932-0411
enrico.schaefer@traverselegal.com
brianhall@traverselegal.com
Lead Attorneys for Plaintiff

Anthony P. Patti (P43729)
HOOPER HATHAWAY, PC
126 South Main Street
Ann Arbor, MI 48104
734-662-4426
apatti@hooperhathaway.com
Attorneys for Plaintiff

Nicholas J. Stasevich (P41896)
Benjamin K. Steffans (P69712)
J. Michael Huget (P39150)
BUTZEL LONG, PC
150 West Jefferson, Suite 100
Detroit, MI 48226
(313) 225-7000
stasevich@butzel.com
steffans@butzel.com
Local Counsel for Defendants

William A. Delgado (admitted pro hac vice)
WILLENKEN WILSON LOH & LIEB LLP
707 Wilshire Boulevard, Suite 3850
Los Angeles, CA 90017
(213) 955-9240
williamdelgado@willenken.com
Lead Counsel for Defendants

**STIPULATED ORDER FOR APPOINTMENT OF SPECIAL MASTER
AND EXTENSION OF DISCOVERY**

This is a cybersquatting domain name dispute. At a hearing on September 10, 2010 on Plaintiffs' Motion and Memorandum for an Order Compelling Compliance with May 25, 2010 Order Compelling Discovery and to Compel Production" (DE #102), counsel for the parties represented to the Court that they anticipated technical discovery issues (i.e. electronic discovery issues) before the close of discovery (now extended to December 10, 2010) and therefore jointly requested the appointment of a special master to resolve those disputes if they arose. The Court therefore agrees to appoint a special master for the limited purposes defined herein.

1. Richard Gaffin of Miller Canfield Paddock & Stone is hereby appointed pursuant to F.R.Civ.P. 53(c) and (d) as Special Master for the purposes of resolving discovery disputes..

2. The parties shall confer with the Special Master and stipulate to the process for identifying and resolving electronic discovery disputes with the Special Master.

3. Copies of pleadings filed with the Special Master shall also be filed simultaneously with the Clerk of the Court and served pursuant to applicable federal rules and a copy shall be simultaneously sent to the Court. Letters or informal communications need not be filed, but should be served on the opposite party.

4. The Special Master may conduct meetings at a location(s) to be agreed upon by the parties and the Special Master, including telephonically. The Special Master may conduct hearings and meetings at a location(s) of the Special Master's choice after consultation with the parties, including telephonically.

5. The Special Master may communicate with the Court ex parte on procedural matters.

6. The Special Master may issue findings and/or recommendations by email, correspondence or orally memorialized later in writing based on issues raised and arguments made by counsel.

7. A petition for review by the Court of contested recommendations or findings of the Special Master shall be submitted by a party seeking review in writing within five (5) days of the receipt of the Special Master's report. Review of the findings and/or recommendations of the Special Master by the Court shall be governed by 28 U.S.C. § 636(b)(1)(B) and (C).

8. The Special Master may use associates, law clerks or paralegals at his discretion and shall keep detailed records of his time and expenses. The Special master shall render detailed monthly bills for all fees and expenses at the same rates ordinarily charged clients for his services, and such bills shall be paid promptly as follows: fifty percent (50%) by plaintiff(s) and fifty percent (50%) by defendant(s). The monthly bills shall be submitted directly to counsel for the parties who shall take responsibility for prompt payment by their respective clients with in thirty (30) days.

9. Objections, if any, to this order shall be filed within seven (7) days.

SO ORDERED.

s/Marianne O. Battani
Marianne O. Battani
United States Magistrate Judge

Dated: September 28, 2010

SO STIPULATED AND AGREED:

By: /s/Enrico Schaefer
Brian Hall (P70865)
Enrico Schaefer (P43506)
Attorneys for Plaintiff
TRAVERSE LEGAL, PLC
810 Cottageview Drive, Suite G-20
Traverse City, MI 49684
(231) 932 0411
brianhall@traverselegal.com
enrico@traverselegal.com

By: /s/J. Michael Huget
J. Michael Huget (P39150)
Benjamin K. Steffans (P69712)
Attorneys for Defendant
BUTZEL LONG, a professional corporation
150 W. Jefferson, Suite 100
Detroit, MI 48226
huget@butzel.com
steffans@butzel.com

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of September, 2010, I electronically filed the foregoing paper with the Court using the ECF system and emailed such filing to the following:

Enrico Schaefer (P43506)
Brian A. Hall (P70865)
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810 Cottageview Drive, Unit G-20
Traverse City, MI 49686
231-932-0411
enrico.schaefer@traverselegal.com
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WILLENKEN WILSON LOH & LIEB LLP
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/s/Enrico Schaefer

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Lead Counsel for Plaintiff