

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.O.A., et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:11 CV 44 CDP
)
IRA L. RENNERT, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Defendants have produced millions of documents in this complex litigation and have redacted, withheld, and/or clawed back nearly 22,000 documents, asserting various claims of privilege. During the status conference held in September 2017, counsel informed me that, despite meet and confer conferences, significant disputes remained regarding the propriety of defendants' asserted claims of privilege. At my instruction, the parties submitted to me their respective proposals regarding a procedure by which these disputes can be resolved expeditiously. Upon review of these proposals, I agree with defendants that appointment of a Special Master is appropriate and necessary given the volume and breadth of the disputed documents at issue. Further, complex dispositive issues are currently before the Court with briefing nearly complete, and the parties continue to engage in extensive motion practice regarding discovery and other

matters that demand attention and resolution given impending deadlines and time-sensitive schedules. Considering these matters as well as the need for effective and timely resolution of the privilege disputes, I find that appointing a Special Master will provide the most efficient and expeditious way to resolve such disputes. *See* Fed. R. Civ. P. 53(a)(1)(C). I therefore adopt defendants' proposed procedure for resolution of privilege log issues.

I expect the parties to confer in good faith in an attempt to reach agreement about possible candidates for appointment to Special Master. In the event the parties are unable to agree, the submissions ordered below shall include an explanation of these efforts and the names of candidates who are acceptable to each side. The parties are advised to consult Fed. R. Civ. P. 53(a)(2) when considering possible candidates.

Accordingly,

IT IS HEREBY ORDERED that no later than **Wednesday, November 1, 2017**, each side will propose to one another the names of two candidates for Special Master. These proposals shall not be filed with the Court at that time. No later than **Monday, November 6, 2017**, the parties shall meet and confer and submit to the Court either: 1) the name of their agreed-to candidate; or 2) in the event the parties are unable to agree to a candidate, the names and qualifications of the candidates proposed by each side. This submission shall include an

explanation of the parties' efforts to agree to a candidate, each side's respective position regarding the suitability of their proposed candidates, and a statement regarding the availability and willingness of their proposed candidates to preside over the dispute.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 26th day of October, 2017.