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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

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6 UNITED STATES OF AMERICA, ex rel.,
7 Joshua Luke,

8 Plaintiff,

9 vs.

10 HEALTHSOUTH CORPORATION, et al.,
11 Defendants.

2:13-CV-01319-APG-VCF

ORDER

12
13 Before the Court are the Joint Proposed Revised Scheduling Order (ECF NO. 179), Defendants'
14 Separate Statement Regarding Relator's Motion to Compel Responses to Relator's Second Requests for
15 Production (ECF NO. 180), Relator's Position Regarding Scope of Discovery (ECF No. 181), and Motion
16 to Seal Brief (ECF NO. 182).

17 The parties cannot agree on (1) which entities or departments within defendants' organization
18 should be included in the scope of discovery; (2) the identity of custodians for automated searches of
19 electronically stored information ("ESI"); the search terms to be used in automated searches of ESI; and
20 how far pretrial deadlines need to be extended to complete discovery.

21 The Court finds, based on the unsuccessful efforts of the parties to work together to establish a
22 proportional and effective plan to complete discovery in this case, appointing a Special Master to oversee
23 this process is appropriate. A court may appoint a Special Master to "address pretrial and posttrial matter
24 that cannot be effectively and timely addressed by an available district judge or magistrate judge of the
25 district." Fed. R. Civ. P. 53(a)(1)(C).

1 Unless the parties can agree on another special master to be submitted to the court for approval,
2 the court is inclined to appoint Ronald J. Hedges, Esq.¹

3 Accordingly,

4 IT IS HEREBY ORDERED that a hearing to discuss the appointment of a Special Master to oversee
5 the completion of discovery in this case, is scheduled for **10:00 AM, May 9, 2019**, in Courtroom 3D.

6 If the parties would like the court to consider appointing another candidate as Special Master, that
7 candidate may appear by telephone. Ronald J. Hedges may appear by telephone.

8 The call-in telephone number is (888)273-3658, access code: 3912597. The call must be made five
9 minutes prior to the hearing time. The court will join the call and convene the proceedings. The call must
10 be made on a land line. The use of a cell phone or speaker phone during the proceedings is prohibited.

11 IT IS FURTHER ORDERED that Counsel for the parties must forthwith consult with Ronald J.
12 Hedges and any alternative Special Master candidates, regarding potential appointment and, if possible,
13 submit by **noon, May 7, 2019**, a proposed stipulation and order appointing a special master. If the parties
14 propose a special master other than Ronald J. Hedges, they must include a summary of that candidate's
15 qualifications.

16 The Clerk of Court is directed to email a copy of this order to Mr. Hedges.

17 IT IS SO ORDERED.

18 DATED this 17th day of April, 2019.

19 
20 CAM FERENBACH
21 UNITED STATES MAGISTRATE JUDGE
22
23
24

25 ¹ Mr. Hedges can be reached at Ronald.hedges@dentons.com, telephone number 212-768-5387.