

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSHI TECHNOLOGIES INTERNATIONAL, INC.,

Plaintiff,

vs.

CIV 15-0467 KG/CG

CHI ENERGY, INC.,

Defendant.


ORDER VACATING TRIAL SETTING

The Court held a telephonic Pretrial Conference in this case on September 21, 2017. (Doc. 79). Derek V. Larson and Keith C. Mier appeared for Plaintiff Joshi Technologies International, Inc., and Robert P. Crumpler, Jr. and Stephanie N. Basom appeared for Defendant Chi Energy, Inc. Prior to addressing the various pretrial issues, the Court *sua sponte* raised the question of whether to appoint a special master pursuant to FED. R. CIV. P. 53. As described on the record, the appointment of a special master to perform an independent audit would benefit the Court and the parties in preparing for trial, given the difficulties in computing damages and valuing the interests involved in this litigation. The Court and the parties agreed, for the reasons stated on the record, that appointment of a special master in this case is warranted by “the need to perform an accounting or resolve a difficult computation of damages.” FED. R. CIV. P. 53(a)(1)(B)(ii).

Accordingly, the parties are directed to meet and confer regarding their recommendation for a candidate for appointment as special master pursuant to FED. R. CIV. P. 53(b)(1). If the parties are unable to stipulate to a candidate, each party may offer no more than three recommendations of potential candidates for appointment for the Court’s consideration,

including relevant qualifications. *Id.* The parties are directed to provide to the Court either a stipulated candidate or recommendations for potential candidates no later than 5:00 p.m. on Monday, October 2, 2017. As a result, the Court finds that there is good cause for vacating the trial setting in this matter.

IT IS, THEREFORE, ORDERED that the two day BENCH TRIAL set for Tuesday, September 26, 2017, is hereby VACATED.



UNITED STATES DISTRICT JUDGE