

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NETWORK DATA ROOMS, LLC, :  
Plaintiff, :  
: 22 Civ. 2299 (LGS)  
-against- :  
: **ORDER**  
SAULREALISM LLC et al., :  
Defendants. :  
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, by Order dated April 26, 2022, the court reserved decision on Plaintiff's motion for a preliminary injunction pending review of an independent expert's report.

WHEREAS, on May 6, 2022, the parties filed a joint letter proposing three potential experts to serve as the court-appointed independent expert.

WHEREAS, pursuant to Federal Rule of Evidence 706, a court may, on its own motion or on a motion by any party, appoint an expert. Fed. R. Evid. 706(a). "The determination to appoint an expert rests solely in the Court's discretion and is to be informed by such factors as the complexity of the matters to be determined and the Court's need for a neutral, expert view."

*Rowell v. City of New York*, No. 16 Civ. 6598, 2017 WL 11569520, at \*1 (S.D.N.Y. Aug. 29, 2017) (internal quotation marks omitted). "Rule 706 is intended to aid the trier-of-fact in its understanding and assessment of technical or scientific issues, not to further the partisan interests of any party." *Id.* (internal quotation marks omitted). It is hereby

**ORDERED** that Terry Patterson is appointed to serve as an independent expert pursuant to Federal Rule of Evidence 706, at a rate of \$195 per hour. Plaintiff has agreed to incur the cost of retaining Patterson, and shall coordinate payment with Patterson directly. It is further

**ORDERED** that Patterson shall conduct an independent review and produce a report to the parties and filed on the docket, by **June 7, 2020**. The proposed scope of review outlined in the parties' joint letter at Docket No. 40 is adopted, including Defendants' proposal that Patterson provide a list of all NDR Microsoft Azure users from September 26, 2021 through February 15, 2022. Prior to the completion of the report, the parties shall not communicate directly with Patterson, with the exception of any necessary coordination between Plaintiff and Patterson regarding payment and review logistics. If the parties have any additional questions following publication of the report, they shall file a letter proposing additional questions by **June 14, 2022**. The court will review the proposed questions and decide whether any supplemental report is necessary.

Dated: May 10, 2022  
New York, NY



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**