

1 THE HONORABLE ROBERT S. LASNIK

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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON

10 CITY OF SEATTLE,

11 Plaintiff,

12 v.

13 MONSANTO COMPANY, et al.,

14 Defendants.

CASE NO. 2:16-CV-00107 RSL

STIPULATION AND ORDER  
REGARDING PARTIES' USE OF PRIVATE  
DISCOVERY MASTER

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16 **I. STIPULATION**

17 Defendants Monsanto Company, Solutia Inc., and Pharmacia LLC (“Defendants”) and  
18 Plaintiff City of Seattle (“Plaintiff”) (collectively, the “Parties”) stipulate and agree to the use of  
19 the Honorable Paris Kallas of Judicial Dispute Resolution as a private Discovery Master to assist  
20 in resolving in a timely and cost-effective manner certain discovery disputes between the Parties.  
21

22 The Parties stipulate and agree as follows:

23 1. The Parties shall submit their discovery disputes to a private Discovery Master as  
24 provided in this Stipulation. Although the engagement will be modeled after the appointment of  
25 a Master under FRCP 53, in the interests of time the parties will not seek the formal appointment  
26 of the Master by the Court, nor provide for a report or recommendations by the Master to the  
27 Court for adoption.  
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1           2.       The Parties will jointly engage Judge Paris Kallas as a private Discovery Master,  
2 for which she will be compensated at her usual and customary rates.

3           3.       The Discovery Master's fees and costs will be divided equally, with Defendants  
4 bearing 50% and Plaintiff bearing 50%.

5           4.       The parties will jointly provide Judge Kallas with a single set of the following  
6 materials: 1) Plaintiff's First Amended Complaint (without exhibits) (Dkt. # 31); 2) Defendants'  
7 First Amended Answer and Counterclaims (without exhibits) (Dkt. # 91); 3) Order on  
8 Defendants' Motion to Dismiss (Dkt. # 60); 4) Order on Plaintiff's Motion to Dismiss (Dkt. #  
9 116); 5) Stipulated Order dismissing Defendants' remaining counterclaims (Dkt. # 132); 5)  
10 Order on Plaintiff's Motion for a Protective Order (regarding mediation privilege) (Dkt. # 169);  
11 and 6) Plaintiff's Damages Disclosure dated August 9, 2021 (Dkt. # 210-4). Each Party will also  
12 provide the Discovery Master (and copy the other side) with its summary of the case, consisting  
13 of no more than eight pages, by Friday, August 27, 2021.

14           5.       The Discovery Master will have the authority to rule on: i) Plaintiff's Motion for  
15 Protective Order with Respect to Monsanto's FRCP 30(b)(6) Deposition Notice (Dkt. # 185  
16 (May 27, 2021)); ii) Defendants' Motion for Leave to Take Additional Depositions in Light of  
17 Plaintiff's Late Designated Witnesses Under RFCP 26, Or in the Alternative to Strike the Late  
18 Designated Witnesses (Dkt. # 198 (July 28, 2021)); and iii) Defendants' Motion for Protective  
19 Order with Respect to Plaintiff's FRCP 30(b)(6) Deposition Notice (Dkt. # 205 (Aug. 11, 2021));  
20 and iv) future discovery disputes that may arise between the Parties.

21           6.       Within one day of referring issues (i) through (iii) described in ¶ 5 to the  
22 Discovery Master, the Parties will notify the Court that that they are taking the pending motions  
23 off calendar, to be re-noted in the future if necessary.

1           7.       The Discovery Master will also have authority to assist the Parties in resolving  
2 discovery disputes without resort to motions practice, where reasonably feasible.

3           8.       The Discovery Master shall consider the Parties' pending motions described in (i)  
4 through (iii) of ¶ 5 in a single hearing, to the extent reasonably feasible.

5           9.       The Discovery Master will have the authority to assist the Parties in negotiating  
6 other discovery-related scheduling issues, including future modifications to discovery-related  
7 deadlines in the revised case scheduling order. Notwithstanding this authority of the Discovery  
8 Master, all requests to modify the case schedule must be submitted to the Court for approval,  
9 whether by stipulation or by motion.

10           10.      The Discovery Master will not have authority to adjudicate the applicability,  
11 reach, or scope of any claims or defenses, any liability or damages issues, or the presentation of  
12 any witnesses or evidence at trial, all of which would be reserved for the exclusive province of  
13 the Article III judge assigned to this matter. In ruling on Defendants' Motion for Leave to Take  
14 Additional Depositions in Light of Plaintiff's Late Designated Witnesses Under FRCP 26, Or in  
15 the Alternative to Strike the Late Designated Witnesses the Discovery Master will not have the  
16 authority to grant Defendants' requested alternative relief, but Defendants reserve the right to  
17 seek that relief from the Court, and Plaintiff reserves its rights to oppose such a request.

18           11.      The Discovery Master's rulings will not be submitted as recommendations for  
19 adoption by the Court, nor will the Discovery Master prepare a report for submission to the  
20 Court. Absent the grant of a stay by the district court, no appeal of a Discovery Master's ruling  
21 to the district court will stay implementation of that ruling, nor will it modify the case schedule.

22           12.      As provided in FRCP 53(f)(2), the parties reserve the right to object to the  
23 Discovery Master's rulings, in whole or in part, and submit the issue(s) to which the party  
24 objects to the Court for resolution. In addition, any notice of objection to a Discovery Master's  
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**ORDER**

It is so ORDERED. Judge Paris Kallas shall act as a private Discovery Master in accordance with the foregoing stipulation of the parties.

Dated August 23, 2021.



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The Honorable Robert S. Lasnik