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| **UNITED STATES DISTRICT COURTFOR THE \_\_\_\_\_\_\_\_\_\_\_\_ DISTRICT OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DIVISION** |
| **<INSERT NAME(S)>** Plaintiff,v.**<INSERT NAME(S)>** Defendant. | Case No: <Insert Case Number>Honorable <Insert Judge’s Name> |

**ORDER APPOINTING SPECIAL MASTER/NEUTRAL FOR EDISCOVERY**

 This is an <insert type of case information> case. Given the complex technical nature of the case, the Court would be aided by an expert advisor with specialized knowledge in the areas including, but not limited to, digital forensics, eDiscovery and experience with electronically stored information (“ESI”).

 The Court, upon consideration of the parties’ proposals and recommendations regarding the appointment of a Special Master in this case, hereby ORDERS as follows:

1. Pursuant to Rule 53 of the Federal Rules of Civil Procedure, and exercising its inherent powers, the Court hereby APPOINTS <insert name> as Special Master for ESI in this action, effective upon <insert name>’s filing an affidavit with the Court as required by Rule 53(b)(3)(A) of the Federal Rules of Civil Procedure stating that there are no grounds for disqualification under 28 U.S.C. § 455.
2. The Special Master shall proceed with all reasonable diligence to assist and, when necessary, direct the parties related to ESI matters and other matters requested by the Court.
3. The Special Master shall have the authority outlined in Rule 53(c) of the Federal Rules of Civil Procedure.
4. The duties of the Special Master will include the following as well as additional duties and authority that may be assigned by the Court:
5. The Special Master will manage discovery disputes and will have broad authority on any outstanding discovery issue that may arise.
6. The Special Master has authority to address discovery issues outlined in the parties’ joint eDiscovery plan/statement to the extent the parties cannot otherwise resolve them.
7. The Special Master will address matters of potential ESI spoliation.
8. The Special Master will resolve issues related to technical ESI matters including, but not limited to, identification, preservation, collection, processing, review, analysis, production and other related ESI issues.
9. The Special Master will preside over the FRCP rule 26(f) Meet and Confer sessions as directed by the Court, with the goal of resolving discovery issues.
10. <insert additional duties>
11. The Special Master will submit orders, reports, or recommendations with the Court as outlined below.
12. The Special Master may communicate with a party *ex parte* when such communication is necessary (a) to maintain the confidentiality of trade secret, proprietary or other sensitive information; (b) to maintain the privilege related to specific information; (c) to schedule meetings or calls; or (d) for other routine, general matters; or (e) to fulfill appointed duties. The Special Master may communicate with the Court *ex parte* on all matters related to this appointment and duties of the Special Master. The Special Master shall have the same protections from being compelled to give testimony and from liability for damages as those afforded judges performing similar functions.
13. The Special Master shall provide the Court with periodic status updates, in such format the Special Master deems appropriate or in any format directed by the Court. The report will detail the current activities of the Special Master and the status of matters or issues within the Special Master’s authority.
14. The Special Master will submit proposed orders, reports, or recommendations to the parties before submission of final orders, reports, or recommendations to the Court. The parties will submit any objections, responses, and replies to the Special Master for consideration. The Special Master will communicate with the parties and attempt to resolve any objections before completing and submitting finalized orders, reports, or recommendations to the Court. The Special Master will also promptly provide a copy of any finalized order, report, or recommendation submitted to the Court to the parties.
15. A party may file objections to, or a motion to adopt or modify, the Special Master’s order, report, or recommendations. The parties have fourteen (14) days after the order, report, or recommendation is filed with the Court to object, fourteen (14) days to respond and five (5) days to reply, unless the Special Master or the Court enters an order allowing a greater time to file. Objections shall be specific and accompanied by a memorandum describing the legal and factual basis for the objection. If the parties do not object within the time frame, the Court may adopt the Special Master’s order, report, or recommendation. If a party makes a baseless objection, the Court will consider the imposition of sanctions.
16. The Special Master shall maintain a record of materials and communications that form the basis for any orders, reports, or recommendations in a manner determined at the Special Master’s discretion.
17. The Special Master’s period of service will end when the court assigned duties are completed or the Court terminates the appointment, whichever comes first.
18. The Special Master will keep detailed records of time and expenses. The Special Master will bill time at the standard rate of $<insert rate>/hour. The Special Master’s administrative assistant will bill time at the standard rate of $<insert rate>/hour. Travel time will be billed at half the standard rate, mileage will be reimbursed at the IRS standard rate for business, and reasonable out-of-pocket expenses will be reimbursed as incurred. The Special Master will provide detailed regular invoices for time and expenses. The invoices shall be split, with defendant(s) responsible for fifty (50%) and plaintiff(s) responsible for fifty (50%). The invoices will be submitted directly to the counsel for the parties who shall take responsibility for payment within thirty (30) days of receipt by their respective clients.

 **IT IS ORDERED.**

 /s/ <insert Judges signature> <insert Judges name>

 United States District Judge

Dated: <insert date>

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| The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on <insert date>./s/ <insert signature> Deputy Clerk |