

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-016329

04/20/2009

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT  
S. Brown  
Deputy

JOHN GILDING

MICHAEL W PEARSON

v.

JOHN S CARR, et al.

DAVID N FARREN

MICHAEL J KEENAN  
BARRY C SCHNEIDER  
ALAN N ARIAV  
PAUL F ECKSTEIN

MINUTE ENTRY

The Court has reviewed Plaintiff's Renewed Rule 53 Motion For Appointment Of A Discovery Master.

Plaintiff's Motion is unnecessary because the Court ruled on the matter by minute entry dated November 10, 2008.

Therefore, IT IS ORDERED as follows:

- 1) Appointment. Upon his acceptance, Barry Schneider is appointed as a special master in this case, for the limited purpose specified in this order. Subject to this Court's review, the special master will decide discovery disputes in the case.
- 2) Discovery Disputes. All discovery disputes shall be heard in the first instance by the special master. The special master will decide all discovery disputes, and his/her decision will be memorialized in the form of an order filed with the Court. Any party

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2007-016329

04/20/2009

may seek review of any order within five days of filing. The special master may, as he deems appropriate in view of the nature of the dispute and the needs of the case, decide discovery disputes on an expedited scheduled or without formal briefing.

- 3) Merits and Trial Issues. The special master is not authorized to rule on substantive motions, such as motions for summary judgment, or motions dealing with trial management, such as motions to exclude evidence, motions in limine, etc.
- 4) Conferring with the Court. The special master is authorized to confer with the Court informally and on an ex parte basis, as he/she deems necessary, to keep the Court informed of the progress of the case and to facilitate its just, speedy, and efficient resolution.
- 5) Fee. The Special Master shall bill for his/her fee and reasonable expenses pursuant to monthly statements, as he would a typical hourly-rate client. The Special Master's fee shall be no more than \$300.00 per hour. The Court reserves a final determination on the allocation of the expense of the discovery master if deemed necessary. As an interim matter, each side shall pay one-half of the discovery master's monthly statements. Copies of the statements will be served on the Court, but not filed.
- 6) Affidavit. The Special Master shall file an affidavit disclosing whether there is any ground for disqualification under Rule 81 of the Rules of the Supreme Court of Arizona.
- 7) Plaintiff shall submit a proposed form of order by **May 11, 2009**.
- 8) All pending discovery motions are referred to the Special Master.
- 9) Counsel shall send copies of all pending discovery motions/matters to the discovery master within 5 days of his accepting the appointment.