

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:)
PROCEDURES TO GOVERN THE)
APPOINTMENT AND UTILIZATION)
OF SPECIAL MASTERS IN COMPLEX)
CIVIL CASES)

ORDER

WHEREAS, the Judges of the Court seek to effectively manage and reach the prompt disposition of their cases; and

WHEREAS, the Court has the inherent authority to appoint Special Masters to help achieve these critically important goals (*see* Rule 53 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 471-482 (1994) [Judicial Reform Act of 1990]); and

WHEREAS, by Order dated September 15, 2004 (the “Procedures Order”), the Court established procedures to govern the appointment of Special Masters in intellectual property cases; and

WHEREAS, the Procedures Order provided, *inter alia*, that the Judges of the Court shall designate a panel of Special Masters whose members will serve at the pleasure of the Judges of the Court; and

WHEREAS, by separate Order also dated September 15, 2004 (the “Appointment Order”), the Court appointed members to constitute the Special Masters Panel (“Panel”); and

WHEREAS, the Appointment Order has been modified from time to time; and

WHEREAS, in the time since the entry of the Procedures Order and the Appointment Order, the docket of the Court has increased in both the number and complexity of cases, including but not exclusively with respect to intellectual property cases; and

WHEREAS, the Judges of the Court have met and deemed it appropriate to make certain revisions to the procedures utilized for the appointment of Special Masters and to expand the scope of matters referred to Panel members to include all complex cases, and to form a new Panel;

NOW, THEREFORE, this 8TH day of June 2011, it is **HEREBY ORDERED** that, effective immediately, the Procedures Order and the Appointment Order are **VACATED**. The following procedures shall, until further notice, govern the appointment of, and referral of matters to, Special Masters:

1. Except as provided in paragraph 2 of this Order, all Panel members will serve a term of 4 years.
2. Panel members who have already served more than 4 years, or who were appointed to the Panel within the past 2 years, or who are appointed by operation of this Order, may be appointed to fixed terms of less than 4 years.
3. All Panel members serve at the pleasure of the Judges of the Court.
4. Persons seeking to be members of the Panel may submit a letter to the Clerk of the Court requesting same. Said letter should state the regular hourly rates charged by that person and others who may be assisting in the execution of his/her duties and be accompanied by a Curriculum Vitae which demonstrates the person's experience, competence and acceptability to serve.
5. The Clerk of the Court shall manage the Panel, including the referral and assignment of matters to members of the Panel when a Judge of the Court elects to appoint a Special Master in a complex case. A Special Master may reject a referral of a matter based on a conflict-of-interest or for any other reason.

6. The Judge presiding in the matter will issue an Order Appointing Special Master, naming the Special Master, consistent with the provisions of Rule 53(b)(2) of the Federal Rules of Civil Procedure.

7. Special masters and others who may be assisting them in the execution of their duties will be compensated at their normal hourly rates. Unless otherwise ordered by the Court upon recommendation by the Special Master, the compensation, costs and expenses of a Special Master shall be allocated equally among the parties. However, the Special Master shall have the discretion (as he or she does in every case) to reallocate the compensation, costs and expenses if the circumstances require, e.g., if a single plaintiff sues scores of defendants or if any single party generates an inordinate number of dispute applications.

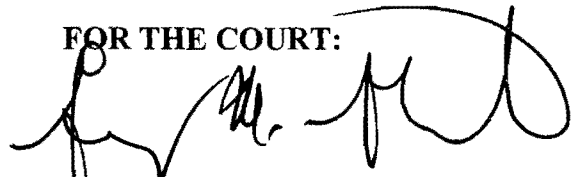
8. Effective immediately, the following individuals are appointed to the Panel for the specified terms:

- (a) Louis C. Bechtle (term ends December 31, 2011);
- (b) Vincent J. Poppiti (term ends December 31, 2011);
- (c) Richard K. Herrmann (term ends December 31, 2013);
- (d) B. Wilson Redfearn (term ends December 31, 2013);
- (e) David A. White (term ends December 31, 2013);
- (f) Tara D. Elliott (term ends December 31, 2014);
- (g) Virginia A. Gibson (term ends December 31, 2014);
- (h) Joshua W. Martin, III (term ends December 31, 2014).

9. Additional individuals will be appointed to the Panel at or around the time of the expiration of a term of a present member of the Panel and at other times the Judges of the Court deem advisable.

10. Nothing in this Order is intended to, nor shall be construed to, affect matters that are presently pending before any Special Master. Special Masters shall retain jurisdiction over all matters previously assigned to them until the conclusion of those matters.

FOR THE COURT:

A handwritten signature in black ink, appearing to be 'G. M. Sleet', written over a horizontal line.

Gregory M. Sleet
Chief Judge