

**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. §§ 471-82 (1994) [Judicial Reform Act of 1990]); and

**WHEREAS**, by Order dated June 11, 2011 (the "Procedures Order"), the Court established procedures to govern the appointment of Special Masters in complex civil 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 the Procedures Order, the Court appointed members to constitute the Special Masters Panel ("Panel"); and

**WHEREAS**, the Procedures Order has been subsequently modified in relation to the composition of the Panel; and

**WHEREAS**, the Judges of the Court have met and deemed it appropriate to make certain revisions to the procedures used for the appointment of Special Masters;

NOW, THEREFORE, this 14<sup>th</sup> day of December 2014, it is **HEREBY ORDERED**

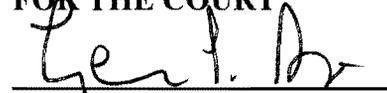
that, effective immediately, the Procedures Order is **VACATED**. The following procedures shall, until further notice, govern the appointment of, and referral of matters to, Special Masters:

1. All Panel members will serve a term of 4 years, unless otherwise specified.
2. Present Panel members shall serve the remainder of their present terms.
3. All Panel members serve at the pleasure of the Judges of the Court.
4. When the Court is considering appointing new Panel members, it will give notice of that intent to the Bar, by posting a notice on the Court website. 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 to reallocate the compensation, costs, and expenses if the circumstances require, *e.g.*, if

any single party generates an inordinate number of dispute applications, or if a party's position in a dispute is unreasonable.

8 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**



Chief United States District Judge