

**N THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

**GIGI JORDAN**

v.

**RAYMOND A. MIRRA, JR.**

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**CIVIL ACTION NO. 14-1485**

**ORDER**

This 3<sup>rd</sup> day of October, 2018, having issued notice pursuant to Federal Rule of Civil Procedure 53 that the Court was considering appointing a Special Master to preside over remaining discovery disputes, and having received no objections, I conclude that it is necessary to appoint a Discovery Master to oversee the final stage of discovery in this litigation. The remaining issues require close analysis, and this case has been pending since 2014. The undersigned has responsibilities in two judicial districts, and a heavy criminal docket. As a result, the remaining discovery matters “cannot be effectively and timely addressed by” the Court.

Therefore, pursuant to Federal Rule of Civil Procedure 53, it is **ORDERED** that the **HONORABLE LAWRENCE STENGEL**, (Ret.) is **APPOINTED** as **SPECIAL MASTER** in accordance with the following terms:

1. Scope of duties: The Special Master shall hear and resolve the **remaining** discovery disputes in this matter, specifically the disputes now pending. The purpose of the appointment is not to expand the scope of discovery.
2. Scope of authority: The Special Master shall have all the authority provided in Federal Rule of Civil Procedure 53(c), including, but not limited to, the authority to set the date, time, and place for any hearings the Special Master determines are

necessary; to direct the issuance of subpoenas; to make rulings on objections or otherwise resolve the Parties' disputes; to preside over hearings (telephonic or in-person); to take evidence in connection with discovery disputes; to award fee allocations and non-contempt sanctions provided by the Federal Rules; and to recommend contempt sanctions.

3. Procedures for briefing submitted to the Special Master: The Special Master may resolve disputes presented orally, in person, or by telephone, in letter brief, or written motions. The Special Master shall inform the parties how he wishes to receive papers the Parties submit. The Special Master shall have the authority to determine any briefing schedules.
4. Preservation of record: Pursuant to Federal Rule of Civil Procedure 53(b)(2)(c), the Special Master shall maintain files consisting of all documents the Parties submit and any written orders, findings, or recommendations. The Special Master shall email any orders he issues to the Parties and any such order shall also be filed with the Court via Electronic Case Filing (ECF) in a notice of ruling by the moving party.
5. Action on the Special Master's Orders, Reports, or Recommendations:
  - a. Pursuant to Federal Rule of Civil Procedure 53(b)(2)(d), the procedure described in paragraphs 5(b) and (c) below shall govern actions on the Special Master's orders, reports, or recommendations.
  - b. Time limits for review: Any party wishing to file objections to the Special Master's orders, reports, or recommendations must file such objection with the Court within fourteen (14) days from the date the order, report, or recommendation is filed. Review of any orders will be subject to the same

procedures as review of a Magistrate Judge, except as otherwise provided herein.

- c. Filing the Record for Review: The party filing the objection shall submit with such objection any record necessary for the Court to review the Special Master's order, report, or recommendation. Failure to provide the record shall constitute grounds for the Court to overrule to objection or deny the motion.
6. *Ex parte* communication: The Special Master may communicate *ex parte* with the Court or the Parties to the extent that he deems necessary and appropriate.
7. Compensation: The Special Master's hourly fee shall be \$625. He shall, in his discretion, allocate and assess the payment of his fees among the parties, including allocating the entire fee to one party if he believes that the party has acted in bad faith. The parties shall pay the Special Master within ten (10) days of assessment, unless otherwise excused by the Special Master or the Court.

/s/ Gerald Austin McHugh  
United States District Judge