

DJW/bh

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

**WILLIAM GIPSON,
individually and on behalf of
a class of others similarly situated,**

Plaintiffs,

Civil Action

v.

No. 08-2017-EFM-DJW

**SOUTHWESTERN BELL TELEPHONE
COMPANY, f/k/a/ SWBT, Inc., f/k/a
Southwestern Bell Telephone, L.P.,**

Defendant.

MEMORANDUM AND ORDER

On December 18, 2008, the Court conducted a discovery conference in this case. Plaintiffs appeared through counsel George A. Hanson, Lee R. Anderson and Richard M. Paul, III. Defendant appeared through counsel Bruce A. Ney, Danuta Panich, Melanie N. McIntyre, Patrick F. Hulla and Stacy Bunck, and through Defendant's corporate representative, Jeff Lewis. This Order will memorialize and supplement the Court's oral rulings.

As of the date of the discovery conference, more than 115 motions and 462 docket entries had been filed in this case, even though the case has been on file for less than a year. Many of the motions filed have addressed matters that the Court would have expected the parties to be able to resolve without judicial involvement.

This Court's goal, in accordance with Rule 1 of the Federal Rules of Civil Procedure, is to administer the Federal Rules of Civil Procedure in a "just, speedy and inexpensive" manner. To assist the Court in accomplishing this goal, the parties are encouraged to resolve discovery and other

pretrial issues without the Court's involvement. To help the parties and counsel understand their discovery obligations, counsel are directed to read the Sedona Conference Cooperation Proclamation, which this Court has previously endorsed.¹

During the discovery conference, the Court discussed the possibility of appointing, pursuant to Federal rule of Civil Procedure 53(a)(1)(C), a special master to assist counsel and address pretrial discovery matters that the Court is unable to timely and effectively address. The special master would handle and resolve all discovery disputes of an administrative nature raised by the parties, as well as scheduling matters. The special master would first proceed to obtain agreed resolutions of any disputed matters; however, if agreements could not be reached, the special master would have the authority to enter orders on these types of discovery disputes and matters.

The Court recognizes that the parties may be able to agree upon a method other than using a special master to accomplish these same goals. Accordingly, the Court issues the following order. The parties are directed to confer and attempt to reach an agreement as to how the parties might better handle discovery and other pretrial disputes in this case. If the parties are unable to reach such an agreement, the parties shall further confer and attempt to agree on the selection of a person to be appointed as special master. **By 5:00 p.m. on January 5, 2009**, Plaintiffs and Defendant shall independently submit to the Court reports setting forth the parties' agreement as to a process for better handling discovery and other pretrial disputes. If no such agreement has been reached, the

¹*See* Sedona Conference Cooperation Proclamation (2008), http://www.thesedonaconference.org/dltForm?did=Cooperation_Proclamation.pdf. The Sedona Conference is a nonprofit legal policy research and education organization that is comprised of judges, attorneys, and electronic discovery experts who are dedicated to resolving electronic document production issues.

reports shall provide the name of the person whom the parties have selected to act as special master, or, if the parties are unable to agree on such a person, the parties shall provide their respective suggestions as to possible special master candidates. The reports should be submitted to the Magistrate Judge electronically as attachments to Internet e-mail memoranda sent to ksd_waxse_chambers@ksd.uscourts.gov.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 23rd day of December 2008.

s/ David J. Waxse
David J. Waxse
U.S. Magistrate Judge

cc: All counsel and pro se parties