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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STRIDER CONSTRUCTION CO., INC.,

Plaintiff,

vs.

IDAHO WATER RESOURCE BOARD,

Defendant.

Case No. CV01-22-10932

ORDER APPOINTING DISCOVERY
MASTER

THIS matter having come before the COURT in a status conference occurring on October 4, 2023, it is hereby ORDERED:

1. **Appointment of Special Discovery Master.** The appointment of a special discovery master (“Discovery Master”) is warranted in this matter pursuant to Idaho Rule of Civil Procedure 53. Eugene A. Ritti is appointed to serve as the Discovery Master. The parties and the Discovery Master have consented to this appointment and provisions of this Order. The Clerk is directed to send the Discovery Master a copy of this Order at his e-mail

address: ritti@rittidisputeresolution.com. The Clerk's Office shall enter Eugene A. Ritti as an interested nonparty to allow him to receive documents and pleadings in this case.

2. **Compensation.** The Discovery Master shall be privately compensated by the parties to this action at his usual hourly rate of \$250.00, and to the extent that the Discovery Master utilizes the services of his associates and/or paralegals in the performance of his duties hereunder, the services of said associates and paralegals shall be privately compensated by the parties to this action at their usual hourly rates. Unless otherwise directed by the Discovery Master, apportionment of fees and costs incurred by the Discovery Master, in the performance of his duties hereunder, shall be paid, as and when due per the Discovery Master's monthly billings, as follows: 50% by plaintiff Strider Construction Co., Inc. ("Strider") and 50% by defendant Idaho Water Resource Board ("IWRB") (the "Agreed Apportionment").

The Discovery Master shall send his bills monthly to Strider and IWRB (the "Billing Parties") for review. The Billing Parties shall have 10 days from receipt of each bill to raise any issues they may have with the Discovery Master regarding the bill, absent which, they shall promptly pay same according to its terms.

Upon request of any party, the Discovery Master may decide, in his discretion, to apportion fees and costs differently from the Agreed Apportionment if the Discovery Master concludes that the conduct of one of the parties justifies. The standard for review by this Court applicable to any objections to the Discovery Master's bills and/or decisions on apportionment of fees and costs, shall be de novo.

3. **Fitness to Serve.** The Court and the parties agree that the Discovery Master is well qualified to serve as such in this case. The Discovery Master has represented to the

parties and the Court that he has no conflicts of interest or other issues which would preclude him from serving as a neutral Discovery Master in this proceeding. Neither the Court nor the parties have been made aware of any basis for disqualification of the Discovery Master.

4. **Authority and Duties.** The Discovery Master is authorized and empowered to supervise, direct, and decide discovery disputes and other discovery issues (both procedural and substantive) arising between and among the parties. The decisions of the Discovery Master may be delivered orally, if agreed to by the parties to the dispute, but shall otherwise be rendered in writing and shall be binding on the parties unless review by this Court is sought by a party pursuant to motion filed with the Court within 14 days of the date of the decision. The Discovery Master's findings of fact shall be subject to review by this Court under the clearly erroneous standard. The Discovery Master's conclusions of law and decisions on matters of privilege and work product protection shall be reviewable de novo. The Discovery Master does not have authority to issue discovery sanctions but instead shall make a report and recommendations to the Court regarding any sanctions sought.

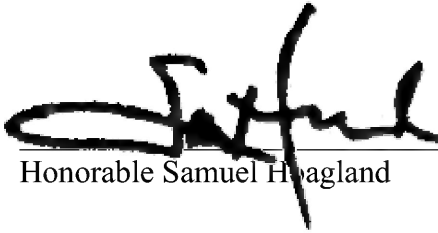
5. **Obligation to Meet and Confer.** The parties shall be obligated to meet and confer in good faith prior to presenting discovery issues to the Discovery Master in the same manner required by Idaho Rule of Civil Procedure 37(a)(1). If any party refuses to meet and confer or unreasonably delays a request for same, the other party may proceed immediately to present the dispute to the Discovery Master.

6. **Communications.** The Discovery Master may, in his discretion, communicate on an *ex parte* basis with counsel for the parties, or any of them, in an effort to resolve disputes, without formal briefing if possible.

7. **Records.** The Discovery Master shall retain copies of all documents submitted to him in the performance of his duties hereunder and shall make such documents available to the Court upon the Court's request.

8. **Termination.** The Discovery Master's appointment shall terminate upon the final disposition of this case or by earlier order of the Court.

DATED: 10/18/2023 12:23:59 PM



Honorable Samuel Hoagland

CERTIFICATE OF SERVICE

10/20/2023 1:39:43 PM

I **HEREBY CERTIFY** that on the _____ day of _____, 2023, a true and correct copy of the foregoing document was served upon the following parties:


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Clerk of the Court