

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re SEARCH WARRANTS
EXECUTED ON APRIL 28, 2021

21-MC-425 (JPO)

ORDER OF APPOINTMENT
OF SPECIAL MASTER

J. PAUL OETKEN, United States District Judge:

Having considered (1) the Declaration of the proposed Special Master, the Honorable Barbara S. Jones (Ret.) (Dkt. No. 23), (2) the absence of any grounds for disqualification of Judge Jones as Special Master, and (3) the consent of the parties to the appointment of Judge Jones as Special Master,

IT IS HEREBY ORDERED THAT:

1. Pursuant to Rule 53(a)(1)(C) of the Federal Rules of Civil Procedure and this Court's inherent powers and authority, the Hon. Barbara S. Jones (Ret.) is appointed Special Master.

Duties

2. The Special Master shall render decisions regarding privilege issues relating to the materials seized in the execution of certain search warrants dated April 21, 2021, and April 28, 2021, and executed on April 28, 2021 (the "Seized Materials"). The specific duties of the Special Master are as follows and shall include all powers necessary to carry out these duties:
 - a. Conducting an initial privilege review of the Seized Materials and adjudicating privilege disputes between the parties;
 - b. Additional duties may be assigned to the Special Master by the Court in subsequent orders, upon notice to the parties and an opportunity to be heard with regard to such additional duties.
3. The Special Master shall have the full authority set forth in Fed. R. Civ. P. 53(c).

Reporting and Judicial Review

4. Within seven days following the date of this order, the Special Master shall consult with counsel for the parties and provide the Court with a scheduling plan setting forth the procedure and timeline for concluding the privilege review and adjudicating any disputes as to privilege. The scheduling plan should include a process for resolving disputes as to privilege.
5. The Special Master shall file all written scheduling plans, orders, reports, and recommendations on the electronic docket, along with any additional information that the Special Master believes will assist the Court in reviewing those scheduling plans, orders, reports, and recommendations. The Special Master shall, during the pendency of this matter, including any appeals, preserve any and all documents or other materials she receives from the parties.
6. The Special Master shall make *ex parte* reports to the Court on an ongoing basis concerning the progress in resolving the issues above as the Special Master believes appropriate.
7. The parties may file objections to, or motions to adopt or modify, the Special Master's scheduling plans, orders, reports, or recommendations no later than seven calendar days after the service of each, and the Court will review these objections or motions, consistent with the standards set forth in Fed. R. Civ. P. 53(f).

Access to Information

8. The Special Master shall have access to individuals, information, documents, and materials relevant to the orders of the Court that she requires to perform her duties, subject to the terms of this Order of Appointment. Such materials shall be provided to the Special Master on an *ex parte* basis as the Special Master sees fit in connection with potentially privileged or confidential materials.
9. In particular, the Government shall provide to the Special Master a copy of the Seized Materials, the search warrants executed in this matter, and the underlying application materials for those search warrants.

Compensation and Expenses

10. The procedures for establishing and paying the Special Master's compensation and expenses shall be determined in a later order. Within seven days following the date of this order, the Special Master and counsel for the parties shall confer on this issue and the Special Master shall submit a proposal for the Court's approval as to the procedures for paying the Special Master's compensation and expenses.

Engagement of Professionals, Support Staff, and Expert Consultants

11. If the Special Master determines that the efficient administration of her duties requires the assistance of additional professionals, support staff, or expert consultants, she may submit a work proposal to the parties, who will have five business days to submit comments, after which time the Special Master may submit the proposal to the Court for consideration.

Other Provisions

12. As an agent and officer of the Court, the Special Master and those working at her direction shall enjoy the same protections from being compelled to give testimony and from liability for damages as those enjoyed by other federal judicial adjuncts performing similar functions.
13. As required by Fed. R. Civ. P. 53(b)(2), the Court directs the Special Master to proceed with all reasonable diligence.
14. The Special Master shall be discharged or replaced only upon order of this Court.
15. The parties and their agents and employees shall observe faithfully the requirements of this Order of Appointment and cooperate fully with the Special Master in the performance of their duties.
16. The Court reserves the right to remove the Special Master if the Court finds that the parties are not expeditiously completing this work.

SO ORDERED.

Dated: June 9, 2021
New York, New York



J. PAUL OETKEN
United States District Judge