

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., *et al.*

Defendants.

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CIVIL ACTION NO. 2:22-CV-00294-JRG

ORDER

The Court previously appointed Hon. David Folsom as the Special Master in the above-captioned case.¹ (Dkt. No. 269.) Pursuant to the Court’s Order Appointing the Special Master and Federal Rule of Civil Procedure 53, “[t]he Special Master shall be compensated at his normal and customary hourly rate for work done pursuant to this Order and shall be reimbursed for all reasonable expenses incurred subject to review by the Court.” (*Id.* at 5-6.) Additionally, the Court authorized the Special Master “to employ technical, legal, or clerical assistance as needed” and explained that “[a]ny such assistance retained shall be billed to the parties at the usual and customary rate.” (*Id.* at 6.) The Court ordered the parties to meet and confer to reach an agreement concerning the division of the Special Master’s compensation, and the parties agreed that the compensation should be allocated and paid as follows: Netlist: 50%, Samsung: 25%, and Micron: 25%. (Dkt. No. 322 at 24.)

The Court has received the Special Master’s invoice for services through February 22, 2024, in the amount of \$22,500.00. The Court has reviewed the Special Master’s invoice and finds

¹ This case was previously consolidated with Case No. 2:22-cv-293 when the Special Master was appointed. The cases have since been deconsolidated. All docket citations refer to the docket of Case No. 2:22-cv-293 unless otherwise specified.

that such includes only “reasonable expenses incurred,” billed at the Special Master’s “normal and customary hourly rate.” Accordingly, the Court hereby **ORDERS** payment to be promptly made to the Special Master as follows:

Netlist: \$11,250.00

Samsung: \$5,625.00

Micron: \$5,625.00

TOTAL: \$22,500.00

Additionally, the Special Master properly retained Mr. Will Nilsson of Jackson Walker LLP to assist in these matters. The Court finds that such assistance was appropriate under the Court’s Order Appointing the Special Master. The Court has received Mr. Nilsson’s invoice for services through February 22, 2024, in the amount of \$27,051.00. The Court has reviewed Mr. Nilsson’s invoice and finds such includes only reasonable expenses billed at Mr. Nilsson’s “usual and customary rate.” Accordingly, the Court hereby **ORDERS** payment to be promptly made to Mr. Nilsson as follows:


Netlist: \$13,525.50

Samsung: \$6,762.75

Micron: \$6,762.75

TOTAL: \$27,051.00

So ORDERED and SIGNED this 14th day of March, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE