

STATE OF VERMONT

SUPERIOR COURT  
Windsor Unit

CIVIL DIVISION  
Docket No. 43-1-09 Wrcv

Olympic Precision and  
Robert Coleman  
Plaintiff

v.

Daniel Thompson & Susan Thompson  
Defendants

DESIGNATION OF SPECIAL DISCOVERY MASTER AND ORDER OF REFERENCE

It is hereby **ORDERED**:

Based upon the agreement of the parties and pursuant to V.R.C.P. 53, the Court hereby appoints John J. Boylan III, Esq. of Springfield, Vermont as Special Discovery Master in connection with this matter to address the conduct of discovery and decide all discovery disputes which may arise during the pendency of this dispute.

The Special Master shall address and decide disputes concerning discovery which may be brought to his attention either with or without motion (such as by telephone calls from the parties lawyers, and/or letters setting forth the issues and or meetings with the lawyers) or by formal motion to compel, with or without argument thereon at a time and location designated by him, prior to any discovery dispute being submitted to the Court. In the event a discovery dispute is submitted to the Court, the Special Master may submit a recommendation for resolution of the dispute along with the basis for his recommendation(s).

The Special Master shall further establish such pretrial discovery and scheduling orders as may be necessary for the efficient conducting of discovery and may hold discovery conferences as needed.

The Special Master may issue orders concerning the taking of depositions and obtaining of discovery from parties or non-parties, including requests to issue or to quash subpoenas.

The Special Master's scope of authority to resolve discovery disputes shall be governed by the scope and availability of discovery as established by the Vermont Rules of Civil Procedure and applicable judicial decisions.

A party may file with this Court an objection to any discovery order issued by the Special Master within 10 days after the issuance of the discovery order. The Court shall promptly

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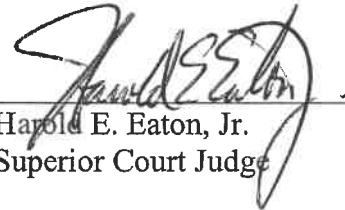
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consider timely objections and may modify or set aside any part of the discovery order that is clearly erroneous or is contrary to law. Failure by either party to file an objection to a discovery order issued by the Special Master shall not constitute a waiver of the right to raise objection later to the Special Master's order, either before this Court or on appeal to the Vermont Supreme Court, provided however that where the Special Master has ordered that discovery shall be had, the party opposing such discovery order must provide the discovery ordered unless that party files an objection within the 10 day period specified herein.

The Special Master's services shall be billed at his usual hourly rate and itemized in customary fashion and shall be shared equally between the Plaintiffs on one hand, jointly responsible for fifty percent of his fees and costs, and Defendants on the other hand, jointly responsible for fifty percent of his fees and costs, unless the Court orders otherwise. The Special Master may submit bills for fees and services at such frequency as he shall deem appropriate.

Dated at Woodstock this 1st day of September 2010.

  
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Harold E. Eaton, Jr.  
Superior Court Judge

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