

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**IN RE: Seroquel Products Liability  
Litigation.**

**Case No. 6:06-md-1769-Orl-22DAB**

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**ORDER**

This cause came on for consideration with oral argument on the following motions filed herein:

**MOTION: ASTRAZENECA'S MOTION REGARDING APPOINTMENT OF A NEUTRAL, INDEPENDENT TECHNICAL EXPERT TO AID RESOLUTION OF TECHNICAL E-DISCOVERY ISSUES (Doc. No. 430)**

**FILED: August 31, 2007**

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**THEREON** it is **ORDERED** that the motion is **DENIED as moot**. *See* Doc. No. 459 (Joint Statement in Support of the Court's appointment of an Information Technology Adviser).

**MOTION: PLAINTIFFS' MOTION FOR ORDER APPOINTING HITACHI CONSULTING AS INFORMATION TECHNOLOGY ADVISOR (Doc. No. 415)**

**FILED: August 30, 2007**

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**THEREON** it is **ORDERED** that the motion is **DENIED as moot**. *See* Doc. No. 459.

The Court has considered the parties' suggestions and comments regarding the appointment of a Special Master with respect to past and future technical issues arising in the discovery process. The respective "nominees" of the parties appear well qualified and not barred by the tangential conflicts identified by the opposing party. Nonetheless, the Court determined to suggest other candidates (Craig Ball and M. James Daley) in the hope the parties could agree. Unsurprisingly,

perhaps, each side has a different preference as to who should be appointed. Each party has expressed its own preference in terms of a brief analysis of the respective skills and potential for bias of the two individuals. Based on their credentials and backgrounds, both individuals seem well qualified to fill the role envisioned by the Court, and neither suffers from any disqualifying bias or conflict of interest.

Of the two, Mr. Ball has more personal, hands-on experience regarding electronic discovery issues serving as a court appointed neutral. For his part, Mr. Daley, in addition to his technical background, has devoted considerable time working to develop and publicize *The Sedona Principles*. While the Court believes either of these individuals would be more than suitable, Mr. Ball's experience is more pertinent to the issues presented in this case. All parties have stated their awareness of and desire to adhere to *The Sedona Principles*. The problem has been with carrying out those expressed desires. Mr. Ball will be able to assist the parties in accomplishing that goal and to provide the Court with information and expertise necessary for further rulings as to electronic discovery in the case.

Therefore, pursuant to the authority under Rule 53, F.R. Civ. P., Craig Ball of Austin, Texas, is hereby appointed as Special Master for electronic discovery in this Multi District Litigation. Within five (5) days, Mr. Ball shall file the certification contemplated under Rule 53(b)(3).

The primary duty of this Special Master is to *assist* and, when necessary, *direct* the parties in completing required discovery of electronically stored information with reasonable dispatch and efficiency. Each side is ordered to designate a lead attorney and a lead technical individual as contacts for the Special Master. These designees shall have sufficient authority and knowledge to make commitments and carry them out to allow the Special Master to accomplish his duties.

The Court recognizes that there is substantial disagreement between the parties as to the appropriate scope of the Special Master's duties, particularly with reference to development of the record as to the prior sanctions order. Each side is directed to file by 4:00 p.m. Monday, October 1, 2007, a proposed "job description" for the Special Master, not exceeding two pages in length, and the matter will be considered at the Status Conference. In formulating their respective proposals, the parties should be mindful of the primary duty of the Special Master, which, though forward looking, must include some review of the discovery to date to provide reasonable assurance of completeness.

The Special Master will be invited to attend the next Status Conference by telephone.

**DONE** and **ORDERED** in Orlando, Florida on September 27, 2007.

*David A. Baker*

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DAVID A. BAKER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record