

CAUSE NO. 219-04162-2013

GOLGART	§	IN THE DISTRICT COURT
	§	
	§	
v.	§	COLLIN COUNTY, TEXAS
	§	
	§	
POURCHOT, ET. AL	§	219TH JUDICIAL DISTRICT

AGREED ORDER APPOINTING SPECIAL MASTER

Pursuant to Texas Rule of Civil Procedure 171 and other applicable law, the Court hereby finds that, consistent with the agreement of the parties, good cause exists in this exceptional case for appointment of a Special Master based on the volume of document requests, documents produced, and bankruptcy issues. The Court appoints James M. Stanton as special master as set forth fully below.

I. SCOPE OF THE APPOINTMENT

The Special Master is appointed to perform any and all duties assigned by the Court as well as any ancillary acts required to fully carry out his duties. At this time the Court refers the following matters:

1. Plaintiff Sandy Goltart's Notice of Intent to Take Deposition Upon Written Questions and Subpoena Duces Tecum to the Custodian of Records of Sovereign Bank NA, which was served on January 7, 2014
2. Defendant/Counter Plaintiff Phillip M. Pourchot's Motion to Compel Plaintiff Sandy Goltart to Produce Documents in Connection with Defendant/Respondent Phillip M. Pourchot's First Request for Production of Documents to the Special Master, which was filed on January 14, 2014;
3. Plaintiff Sandy Goltart's Motion to Compel the Answers to Deposition Questions and to Produce Documents in Connection from Phillip M. Pourchot,

which was filed on April 8, 2014 ;

4. Other matters may be referred to the Special Master by the Court.

II. POWERS OF THE SPECIAL MASTER

Consistent with the full reach of Rule 171, the Special Master shall have and exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under this Order. The Special Master may enforce subpoenas for the appearance of persons and for production of evidence, may put witnesses under oath, and rule upon the admissibility of evidence.

III. COMMUNICATION WITH THE COURT AND THE PARTIES

The Special Master shall have *ex parte* communication with the Court regarding all substantive and procedural matters. The Special Master shall not have *ex parte* communication with the parties except for scheduling matters or when information is submitted for *in camera* review.

IV. SPECIAL MASTER'S RECORD AND REVIEW OF RULINGS

Any party may arrange for a court reporter to record any hearing at the requesting party's expense. The Special Master is under no obligation to preserve from the record any documents created by the Special Master or any documents received by the Special Master from counsel or parties in this case. The parties shall bear the burden to file any necessary materials with the Court.

Unless it is already reported by a court reporter, the Special Master shall reduce any verbal ruling to written format upon the written request of any party. A party must file an objection to a special master's order, finding, report or recommendation by filing the objection with the Court within five business days. A failure to timely object constitutes waiver of any

objection. The Court will review *de novo* any findings of fact and conclusions of law, and abuse of discretion for procedural matters. The Special Master's orders and rulings are not stayed pending appeal; that is, a party is not excused from complying with the special master's orders or rulings because an objection is filed.

V. COMPENSATION

The Court finds that \$395 is a reasonable hourly rate for compensation of the Special Master based on his prior judicial experience, his board certification in Civil Trial Law by the Texas Board of Legal Specialization, and his professional reputation in maintaining an active civil trial practice in the state and federal courts of Texas. In addition to hourly compensation for his time, the Special Master may charge reasonable and necessary expenses.

Periodically the Special Master shall submit an application for payment of his fees and expenses to the Court. A party must file any objection to an application for payment with the Court within three business days. Any objection must identify all legal and factual grounds and be supported by affidavit, if necessary, so the Court may rule on any objection by submission without conducting a hearing. Once approved, the Special Master's approved fees and expenses shall be paid within 10 days. The Special Master's fees and expenses shall be borne equally among the parties unless the Special Master assesses otherwise.

VI. JUDICIAL IMMUNITY AND OTHER PROTECTIONS

As an agent and officer of the Court, the Special Master and any persons assisting him in this matter shall enjoy the same protections from being compelled to give testimony and from liability for damages as are enjoyed by other judicial officers and adjuncts performing similar functions.

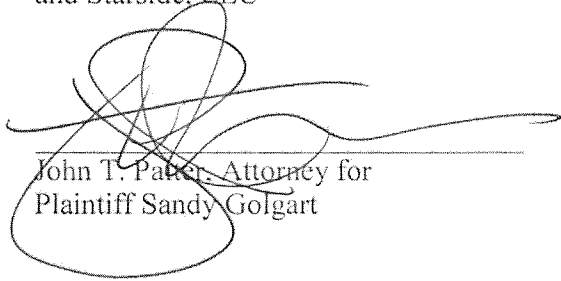
DATED: April 15, 2014.


The Honorable Scott J. Becker
Judge, 219th Judicial District Court

AGREED AS TO FORM AND SUBSTANCE
AND ENTRY REQUESTED BY:



Lindy D. Jones, Attorney for
Defendant/Counter-Plaintiffs Phillip M.
Pourchot, Individually, and as Co-Trustee
and Settlor of the Phillip M. Pourchot
Revocable Trust, Carol Ann Lindley
Solely In Her Capacity As Co-Trustee of
the Phillip M. Pourchot Revocable Trust,
and Starside, LLC




John T. Patten, Attorney for
Plaintiff Sandy Goltart


Todd A. Hoodenpyle, Attorney for
Defendant Marc Powell

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Plaintiff Sandy Gorgart



Todd A. Hoodenpyle, Attorney for
Defendant Marc Powell