

CAUSE NO. 429-03626-2012

INX LLC

v.

LUMENATE, LLC

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IN THE DISTRICT COURT

COLLIN COUNTY, TEXAS

429TH 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 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 as follows: Entertain any request by any party regarding any future discovery disputes in the above referenced cause.

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 three 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

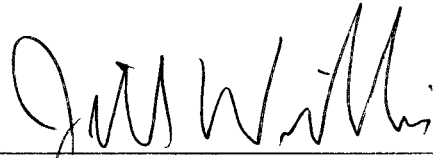
The Court finds that \$425.00 is a reasonable hourly rate for compensation of the Special Master based on his prior judicial experience, his board certification in Civil Trial Law by the Texas Board of Legal Specialization, and his professional reputation in maintaining an active civil trial practice 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 necessary to fulfill his duties.

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 shall be paid from the Plaintiff's trust account. The Special Master is prohibited from knowing what party or parties are contributing to his fees, and the parties and their counsel are ordered not to disclose the source or sources of any funds to the Special Master.

VI. JUDICIAL IMMUNITY AND OTHER PROTECTIONS

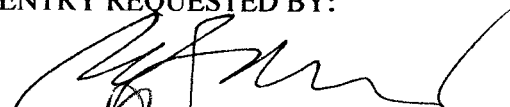
As an agent and officer of the Court, the Special Master and any persons assisting him in this matter shall enjoy the same protections from being compelled to give testimony and from liability for damages as are enjoyed by other judicial adjuncts performing similar functions.

DATED: September 12, 2013.

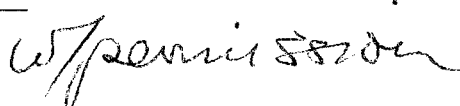
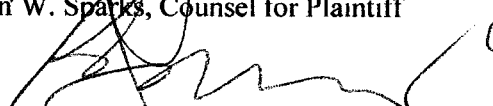


The Honorable Jill Willis
Judge, 429th Judicial District Court

AGREED AS TO FORM AND SUBSTANCE
AND ENTRY REQUESTED BY:



Braden W. Sparks, Counsel for Plaintiff



Bob Jenevein, Counsel for Defendants
Derheim, DeYoung, Hancock and Finley