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11 Commission

12 **SUPERIOR COURT OF ARIZONA**
13 **MARICOPA COUNTY**

14 SCOTT PETERSON, an individual doing
15 business as Checks and Balances,

16 Plaintiff,

17 v.

18 ARIZONA CORPORATION
19 COMMISSION, a political subdivision of
20 the State of Arizona, et al.,

21 Defendants.

No. LC2015-000453

[PROPOSED] ORDER

Assigned to Hon. Randall Warner

22 Pursuant to stipulation of the parties, Special Action Rule 4(f), and Rule 53(a)(1),
23 Ariz.R.Civ.P., and good cause appearing,

24 IT IS HEREBY ORDERED:

25 1. The Court shall appoint a master in this case. No later than November 24,
26 2015, the parties will submit a name to the Court for appointment as master. If the
parties are unable to agree unanimously on a person to serve as master within such

1 deadline, they will notify the Court, and the Court shall appoint a master of its own
2 selection.

3 2. The scope of the master's authority shall be to conduct a review of all text
4 messages that have been retrieved by means of the Attorney General's forensic
5 examination of the smart phone in question in this action.

6 3. All text messages that have been retrieved from the phone should be
7 produced that (a) fall within the substantial nexus test set forth by the Supreme Court of
8 Arizona in *Griffis v. Pinal County*, 215 Ariz. 1, 4, ¶ 10, 156 P.3d 418, 421 (2007), (b)
9 are responsive to Plaintiff's request made by letter dated August 7, 2015 (copy attached
10 as Exhibit Q to the Complaint), and (c) are not subject to any privilege recognized by
11 Arizona law.

12 4. The master's report to the Court shall identify all messages that meet these
13 criteria and therefore should be produced.

14 5. Defendants may have an extension of time to respond to the Complaint
15 until 20 days after the master's report.

16 6. By entering into the stipulation and agreeing to the appointment of a
17 master, no party waives any claims, defenses, arguments, or positions in this action.

18
19 DATED on November __, 2015.

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22 _____
23 Hon. Randall Warner,
24 Judge of the Superior Court
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1 ORIGINAL in blank form electronically filed with
2 Judge Warner's Chambers on November 19, 2015.

3
4 /s/ Victoria Patton
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