

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

THE RETIRED PUBLIC )  
EMPLOYEES OF ALASKA, INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
STATE OF ALASKA, DEPARTMENT )  
OF ADMINISTRATION, DIVISION )  
OF RETIREMENT AND BENEFITS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. 3AN-18-06722 CI

35

**~~PROPOSED~~ ORDER APPOINTING A DISCOVERY MASTER**

At the status conference held May 12, 2021, counsel for the parties agreed that a discovery master could help expeditiously resolve discovery motions that the parties have filed or expect to file before trial in this case. The court agrees and appoints

Elaine Andrews to be the discovery master in this case.

A copy of any discovery motion, opposition to a discovery motion or a reply to the discovery motion shall simultaneously be served by email on the discovery master when those documents are filed with the court.

The discovery master will have the authority to resolve current, actual discovery disputes that otherwise would be submitted to the court for resolution, including disputes concerning the scope of discovery requests, objections to those requests, responses to those requests, requests for protective orders, and challenges to claims of privilege or confidentiality. The discovery master will not make recommendations related to requests

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for sanctions or adverse evidentiary presumptions, and will not adjudicate the underlying merits of the case.

The discovery master shall review the filings associated with each discovery motion and make written recommendations to the court concerning the merits of the motion along with a proposed order deciding the motion. The discovery master's recommendations shall be based on the applicable Alaska Rules of Court, case law and other legal authority which shall be stated in any recommendation.

If the discovery master determines that documents or answers to interrogatories withheld from production based on a claim of privilege or confidentiality must be reviewed to determine the validity of the claim, the discovery master shall submit a recommendation to that effect with an appropriate proposed order for the court directing that the subject documents and interrogatory answers be filed with the court under seal with copies served simultaneously on the discovery master who shall review the documents and answers and make a recommendation to the court concerning whether the documents and information should be disclosed; the reasons for the recommendation(s); and whether the RPEA is under any duty to keep some or all of the documents confidential, subject to the terms of the Stipulated Protective Order of the Court dated July 8, 2019. Any and all personal health information protected under the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. 1320d – 3120d-8) and its implementing regulations at 45 C.F.R. 160 and 45 C.F.R. 164, the Health Information Technology for Economic and Clinical Health Act of 2009 (P.L. 111-5) (HITECH Act), and under other applicable laws shall be kept confidential by the parties and their

attorneys and are subject to the stipulated protective order entered by the Court on July 8, 2019.

The discovery master, in his or her discretion, may hear oral argument on any discovery motion and shall submit its recommendation to the court within ten days of the motion being ripe unless otherwise ordered by the court.

The discovery master shall contact the counsel for each party by email within 7 days of the date of this order.

DONE this 1<sup>st</sup> day of ~~May~~<sup>June</sup> 2021.

I certify that on 6/1/21 a copy of the following was mailed/emailed to each of the following at their addresses of record.

J. Pickett & Galloway

Administrative Assistant



Adolph V. Zeman  
Judge of the Superior Court

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<sup>35</sup>  
**ORDER**

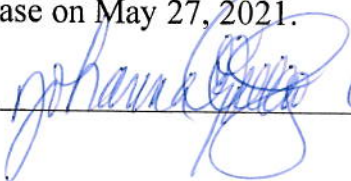
Based on the foregoing report and stipulation, **IT IS ORDERED:** On or before **June 8, 2021** the parties shall serve and file a memorandum, not to exceed five pages, stating their respective positions concerning how the fees of the discovery master should be paid. Each party will be permitted to respond to the other party's filing within seven days, not to exceed five pages.

DONE this 1st day of <sup>June</sup> ~~May~~ 2021.

  
\_\_\_\_\_  
Adolph V. Zeman  
Judge of the Superior Court

**Certificate of Service**

A copy of the foregoing Order has been served upon all counsel of record in this case on May 27, 2021.

  
\_\_\_\_\_  
6/1/21

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