

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

DAMON P. STEPP, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 1:13-cv-00683-TWP-MJD  
 )  
 REXNORD INDUSTRIES, INC., )  
 )  
 Defendant. )  
 \_\_\_\_\_ )  
 Jay Meisenhelder, )  
 )  
 Intervenor. )  
 )

**ORDER ON PLAINTIFF’S MOTION FOR APPOINTMENT OF A SPECIAL MASTER**

This matter comes before the Court on Plaintiff’s Motion for Appointment of a Special Master. [Dkt. 87.] For the reasons described below, the Court **DENIES** the motion.

**I. Background**

Mr. Stepp was *pro se* when he initiated this action. [Dkt. 1.] An initial pretrial conference was conducted on August 15, 2013, during which Mr. Stepp was provided detailed information regarding the various discovery tools available to him in this matter. On August 23, 2013, the Court issued an agreed Scheduling Order, which provided that “[a]ll discovery must be completed by **February 29, 2014**. [Dkt. 21 at 2 (emphasis in original).]

On August 27, 2013, attorney Jay Meisenhelder entered an appearance on behalf of Mr. Stepp. [Dkt. 22.] Thereafter, on September 25, 2013, an agreed Case Management Plan was entered by the Court, which provided that “non-expert witness discovery and discovery relating to liability issues shall be completed by **April 1, 2014**.” [Dkt. 29 at 5-6 (emphasis in original).]

On March 18, 2014, Mr. Meisenhelder moved to withdraw as counsel for Mr. Stepp. [Dkt. 50.] The Court granted the motion, [Dkt. 57.], and Plaintiff resumed litigating this case *pro se*.

On June 4, 2014, Plaintiff filed the current Motion for Appointment of a Special Master. [Dkt. 87.] He asks the Court to appoint a special master for “discovery disputes related to employee data collection.” [*Id.*]

## II. Discussion

A court may appoint a special master if there is some “exceptional condition” or if matters “cannot be effectively and timely” addressed by an available judge. Fed. R. Civ. P. 53(a). The Seventh Circuit acknowledges that the “appointment of a special master is the exception and not the rule” and that “there must be a showing that some exceptional condition requires such an appointment.” *Williams v. Lane*, 851 F.2d 867, 884 (7th Cir. 1988).

Plaintiff has made no showing of “exceptional circumstances” in this case. His motion contains no explanation whatsoever as to why the Court cannot address any discovery issues without the appointment of a special master. [Dkt. at 87.] Non-expert discovery has already closed, [Dkt. 29 at 5-6], and there is thus no need for a special master to oversee Plaintiff’s purported “discovery dispute.” The Court therefore **DENIES** Plaintiff’s motion.

## III. Conclusion

For the reasons stated above, the Court **DENIES** Plaintiff’s Motion for Appointment of a Special Master [Dkt. 87].

Date: 10/02/2014



Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

DAMON P. STEPP  
8659 Rockville Road  
Indianapolis, IN 46234

Jay Meisenhelder  
EMPLOYMENT AND CIVIL RIGHTS LEGAL SERVICES  
jaym@ecrls.com

Charles B. Baldwin  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART  
charles.baldwin@odnss.com

Christopher C. Murray  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART  
christopher.murray@ogletreedeakins.com

Michelle R. Maslowski  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART  
michelle.maslowski@ogletreedeakins.com