

## M E M O R A N D U M

**TO:** Board of Trustees

**FROM:** Tim Callicrate  
Board Chairman

Josh Nelson  
General Counsel

**SUBJECT:** Case No. CV18-01564 Mark E. Smith v. IVGID  
Review, discuss and possibly approve a \$12,500 payment to  
Special Master Matthew Sharp.

**DATE:** June 4, 2021

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### I. RECOMMENDATION

That the Board of Trustees makes a motion to authorize a \$12,500 payment to Matthew Sharp as Special Master in Mark E. Smith v. IVGID, Case No. CV18-01564.

### II. BACKGROUND

The Court in Mark E. Smith v. IVGID, Case No. CV18-01564 previously appointed a Special Master, Matthew Sharp, to review a subset of the emails at issue in the case. Mr. Sharp reviewed those emails and issued a report that makes a number of findings, including that a number of the emails are not subject to the attorney-client privilege. IVGID has objected to the report and the Court has not taken action on the report to date.

Under the Court's order appointing Mr. Sharp, the parties to the litigation are each responsible for one-half of the costs of the Special Master. Mr. Sharp issued an invoice indicating he spent 50 hours. At his hourly rate of \$500, the total invoice is \$25,000. This invoice does not include a summary of tasks or hours spent on each.

IVGID's special counsel requested some breakdown of the fees or other documentation from Mr. Sharp. He declined to provide any additional information. This item seeks Board approval for IVGID's share of the fees, which is \$12,500.

  
*Matthew L Sharp*  
ATTORNEY AT LAW

April 7, 2021

Stephanie Rice, Esq.  
Midtown Law  
115 Casazza Drive  
Reno, NV 89502

Thomas P. Beko, Esq.  
Ericson, Thorpe & Swainston, Ltd.  
99 W. Arroyo St.  
Reno, NV 89509

Re: *Mark E. Smith vs. Incline Village General Improvement District, et al.*

Counsel:

This correspondence serves as my Invoice for time in reviewing the documents and privilege log entries at issue in the Motion to Compel Production of Responsive Records not Protected by the Attorney Client Privilege ("Motion") pursuant to the Order Appointing Special Master entered by the court on June 25, 2020.

From August 1, 2020 through March 17, 2021, I spent 50 hours reviewing the privilege log, *in camera* review of the materials provided by the Defendant(s), researching attorney-client privilege, and preparation of Report and Recommendation and Summary of Documents Reviewed and Findings. My hourly rate for providing these services is \$500.

Accordingly, my total fee is \$25,000.00. This amount is to be divided equally between the parties. Each party is to pay \$12,500.00.

I have included a copy of my W-9 form.

Thank you for your prompt payment of this invoice.

Sincerely,

  
Matthew L. Sharp, Esq.

MLS:cbs  
Enclosure