



KATHERINE GALLO, ESQ.

Discovery Referee, Special Master, and Mediator

Katherine Gallo is an expert in complex Discovery issues and is actively involved in Alternative Dispute Resolution (ADR) as a Discovery Referee, Mediator, and Arbitrator since 1994. Since 2010, she has authored a blog on Discovery titled "*Resolving Discovery Disputes--Using Discovery to Reach Evaluation, Mediation and Trial Goals*".

Ms. Gallo has served as a court-appointed or party-selected private Discovery Referee or Special Master for over 25 years in the areas of business litigation, construction defect and delay, elder abuse, family law, insurance bad faith, personal injury, probate, product liability, real property and wrongful determination and discrimination many with multiple party litigants, including class actions. Well known to the judiciary, her court appointments in complex matters have come from the Superior Courts throughout California.

Ms. Gallo regularly sits as a Pro Tem Judge for San Francisco Superior Court's Discovery Department. She is also a contributor to California Education of the Bar's (CEB) including creating Discovery forms for the *Practitioner*, speaking at *MCLE seminars* on Discovery, and authoring blogs on Discovery for *Current Awareness*.

As a Referee, Ms. Gallo firmly believes in the "meet and confer" process. She is willing to meet with counsel to facilitate a resolution prior to the motion being heard, by teleconference, videoconference, or in person. Knowing that discovery disputes can hinder settlement negotiations and scheduling of dispositive motions, she creates prompt briefing schedules so the dispute can be adjudicated quickly. Ms. Gallo also coordinates with the parties to outline the driving issues in the case and formulates a discovery plan that utilizes existing scheduled hearing dates to manage discovery in the context of overall case management. Ms. Gallo takes pride in accomplishing the parties' and the courts' objectives with impartiality, timeliness, and accuracy.

Ms. Gallo has also mediated or acted as a pro tem settlement judge in over 500 matters with a **90% settlement rate**.

Ms. Gallo is an approved California Bar MCLE provider for Discovery. Take your MCLE Self-Study exams on Discovery here.

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About Katherine Gallo

Katherine Gallo is an expert in complex Discovery issues and actively involved in Alternative Dispute Resolution (ADR) since 1994. Ms. Gallo is known for her seminars on Discovery and her Discovery blog resolvingdiscoverydisputes.com

Proven Track Record. Ms. Gallo has served as a court appointed or party selected private Discovery Referee or Special Master in well over 300 hotly litigated and/or class action matters concerning complex issues in business, construction defect and delay, insurance bad faith, employment, elder abuse, real property (including eminent domain, easements, and commissions), lemon law, personal injury, probate and family law. She is well known to the judiciary as her court appointments in complex matters have come from the Superior Courts throughout California.

Extensive Experience. Ms. Gallo has extensive experience including serving as a Research Attorney for the Law and Motion Departments of Alameda and San Mateo County Superior Courts, giving her a unique perspective on court process. Her responsibilities included all Discovery motions as well as mediating ongoing complex Discovery disputes.

Ms. Gallo regularly sits as a Pro Tem Judge for San Francisco Superior Court's Discovery Department and has acted as Pro Tem Settlement Judge for San Francisco and San Mateo Superior Court.

As a trial attorney, Ms. Gallo managed a full case load of personal injury, product liability and commercial litigation matters.

Education. Ms. Gallo is a graduate of the McGeorge School of Law of the University of the Pacific with an emphasis on Labor Law. She obtained her undergraduate degree from the University of California, Irvine.

Special Training. Ms. Gallo has well over **100 hours of specialized training** in Mediation and Conflict Resolution, including Ethics and Fairness Training for Pro Tem Judicial Officers. She has also completed three-day courses in "Mediating Complex Construction Disputes", "Mediating the Complex Case", and the two-day course "Cross-Cultural Dispute Resolution" offered by the Straus Institute at Pepperdine University.

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Discovery Referee

As the civil trial calendar overwhelms the trial courts with complex procedural and substantive issues, the courts have sought relief through references to "Discovery Referees" as permitted under California Code of Civil Procedure (C.C.P.) sections 638-645.2. The appointment of a Discovery Referee can be beneficial and cost-effective in complex litigation as these cases can involve issues of confidentiality and privilege and tend to be document intensive. When I am the Discovery Referee, I take a "hands-on" approach and actively manage the case by coordinating Discovery and resolving Discovery disputes so settlement discussions can be productive. Below are some of the many services I provide:

Case Management. I work with the parties in outlining the issues and coordinating a Discovery plan. There will be scheduled hearing dates to coordinate Discovery, to use as meet and confer sessions, as well as having Discovery motions heard. With consent from the parties, I will work with the mediator and the settlement judge in directing Discovery so settlement discussions can be productive.

Tentative Rulings. Prior to the hearing, all parties will be served with a tentative ruling and will have time to notify the Discovery Referee of their decision of whether to contest the tentative ruling. All motion procedures are set out in advance and are code compliant.

Conference Call Hearings. Hearings may be held via phone or video conferencing. At any party's request, an in-person hearing can be scheduled and will be held at a mutually agreed upon-location.

Recommendation and Orders. I will prepare all the recommended orders which will contain a ruling on every objection to each interrogatory, request for admission, request for documents or deposition question in issue. In addition, there will be a ruling on sanctions and the apportionment of referee fees. The recommended order will also specifically state that if any party objects to the recommended order, they must comply with C.C.P. section 643.

On Stand-By For Depositions. With appropriate notice, I will be on phone standby to rule on objections during a deposition.

Aim Towards Settlement. I will assist the parties in obtaining an experienced professional to mediate the matter or work with.

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Discovery Referee Cases Handled by Katherine Gallo

As the Discovery Referee, I work with the parties in creating a discovery plan for mediation, dispositive motions and trial. This includes case management, conducting pre-approval of discovery, refereeing depositions, conducting in camera review of documents, overseeing e-discovery, and ruling on discovery motions. Below is a representation of the cases I have been appointed as a Discovery Referee:

- Business Disputes
- Construction Defect, Construction Claims, Delay and Fraud
- Consumer Fraud
- Family Law Community Property Issues
- Financial Elder Abuse
- Insurance Coverage and Bad Faith
- Multi-Party Product Liability
- Partnership Dissolutions
- Partition actions
- Personal Injury and Wrongful Death
- Probate
- Sexual Molestation and Abuse
- Wage and Hour claims
- Wrongful Termination, Sexual and Racial Discrimination

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Mediator

For over 25 years, Katherine Gallo has served as a mediator and Pro Tem Settlement Conference Judge in over 500 cases with a **settlement rate of 90%**. She has been asked to serve on the Alternative Dispute Resolution (ADR) Panels for the Superior Courts of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara Counties.

Ms. Gallo has well over **100 hours of specialized training** in Mediation and Conflict Resolution, including Ethics and Fairness Training for Pro Tem Judicial Officers. She has also completed three-day courses in "Mediating Complex Construction Disputes", "Mediating the Complex Case", and the two-day course "Cross-Cultural Dispute Resolution" offered by the Straus Institute at Pepperdine University.

Types of cases Katherine Gallo has successfully brought to resolution:

- Business Disputes (including commercial contracts and partnership dissolutions)
- Class Actions
- Construction Defect and Delay
- Elder Abuse
- Employment (wrongful termination, discrimination and wage and hour claims)
- Family Law
- Insurance bad faith
- Landlord/Tenant
- Lemon Law
- Mortgage/Foreclosure Disputes
- Personal Injury
- Probate
- Product Liability
- Professional Malpractice
- Real Property (including eminent domain, easements and commissions)

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Discovery Forms

These forms are provided for general information only and should not be used without seeking independent legal advice.

Alternative Dispute Resolution (ADR) Agreements and Orders:

All files are Word Document format.

- Stipulation and Order Appointing Referee pursuant to CCP 638(a)—A General Reference
- Stipulation and Order Appointing Referee pursuant to CCP 638(b)— A Special Reference
- Stipulation and Order Appointing Discovery Referee pursuant to CCP 638(b)—A Special Reference
- Order Appointing Referee pursuant to CCP 639(a)(1), (2), (3) or (4)
- Order Appointing Discovery Referee pursuant to CCP 639(a)(5)
- Protective Order
- Mediation Agreement
- Settlement Agreement

Judicial Council Forms:

All files are PDF fillable format.

- Commission to Take Deposition Outside California
- Deposition Subpoena for Personal Appearance
- Deposition Subpoena for Personal Appearance and Production of Documents and Things
- Deposition Subpoena for Production of Business Records
- Interrogatories--Construction Litigation
- Interrogatories--Employment
- Interrogatories--General
- Interrogatories--Limited Civil Cases (Economic Litigation)
- Interrogatories--Unlawful Detainer
- Notice to Consumer
- Request for Admissions
- Stipulation or Motion for Order Appointing Referee
- Order Appointing Referee
- Report of Referee

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MCLE Self-Study Exams on Discovery

Katherine Gallo has been approved by the California State Bar to provide the following self-study for MCLE credit:

“Demand for a Bill of Particulars—A Very Powerful Tool”

One hour of MCLE Credit

Bill of Particulars article [PDF]

“How to Write a Successful Discovery Motion and What you Should do to Oppose such a Motion”

One hour of MCLE Credit

How to Write a Successful Discovery Motion article [PDF]

“Garbage Objections = Motion to Compel Further Responses and Further Production of Documents”

One hour of MCLE Credit

Garbage Objections article [PDF]

“Make the Meet and Confer Process Work for You”

One hour of MCLE Credit

Meet and Confer article [PDF]

“Requests for Admissions – Tricky Little Discovery Devices”

One hour of MCLE Credit

Requests for Admissions article [PDF]

Exam FAQ:

Q: Is there a cost to take the exam?

A: Yes. The exam is \$25 and it includes 3 attempts. Payments are processed through PayPal. You can use a PayPal account or you can pay as a guest with a credit card.

Q: Is there a time limit to take the exam?

A: Yes, you will need to complete the test within 16 hours.

Q: Do I need to create a login?

A: Yes. You will be asked to provide an email and create a password before beginning the exam. This will allow you to save your progress and come back at a later time to complete the exam.

Q: What information do you require for me to take an exam?

A: Your first and last name, an email address and your state bar number.

Q: What is required for a passing score?

A: You need at least 70% correct answers in order to pass. Each question is worth 1 point and there are 20 questions.

Q: When will I get my results?

A: Your results will be presented when you complete the exam. With a passing score, there will be a Certificate of Compliance that you can download (PDF file format).

You will also receive an email with the results. The email will be from do-not-reply@classmaker.com. If you do not see a message in your inbox, please check the spam box.

Q: What are the minimum browser requirements?

A: Internet explorer 6+, FireFox 2.0+, Safari 3+, Opera 10.6+, Chrome 8+. Additionally you will need JavaScript and cookies enabled.

Q: What if I have trouble with the exam system?

A: First check that you meet all the minimum browser requirements listed above. If you still have trouble please email assistant@discoveryreferee.com describing the issue you are having.

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Discovery Training and Presentations

Katherine Gallo has been approved by the California State Bar as an MCLE Provider. Over the last 25 years, she has given over fifty seminars on Discovery. She has also developed a six-part Discovery Boot Camp training paralegals and young lawyers on how to create a Discovery Plan, propounding and responding to Discovery, drafting Discovery motions, and how to obtain sanctions.

These are examples of her Discovery Seminars:

“Litigate Like an Egyptian–How to Get Your Case Ready for Trial”

1.5 hours of MCLE credit

“Let’s Take the Game out of Discovery–How to Propound and Respond to Discovery”

1.5 hours of MCLE credit

“Your Honor, the Other Side is Being Mean to Me”

1.5 hours of MCLE credit, .5 hours of Ethics

“The Discovery Act Applies in Family Law”

1.5 hours of MCLE credit

Contact Katherine Gallo if you would like her to speak on Discovery at your event or to provide in house training for your attorneys and paralegals. Katherine will also create a seminar for your specific needs and submit it to the State Bar for MCLE approval.

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Fee Schedule

Discovery Referee / Special Master

\$525 per hour

E-Discovery Referee

\$550 per hour

Partition Referee

\$600 per hour

Mediation

\$600 per hour (1-4 parties)

\$650 per hour (5 or more parties)

Binding Arbitration

\$600 per hour

No set up or administration fee. No minimum fee required. Refundable retainer requested.

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Contact Katherine Gallo

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