

No. 141, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF TEXAS,

Plaintiff,

v.

**STATE OF NEW MEXICO and
STATE OF COLORADO,**

Defendants.

OFFICE OF THE SPECIAL MASTER

**STATE OF TEXAS'S NOTICE OF DEPOSITION OF DAVID JORDAN AND
SUBPOENA DUCES TECUM**

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January 2, 2020

TO ALL PARTIES AND COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiff State of Texas (Texas) will take the deposition of David Jordan (Witness) upon oral examination, on January 16, 2020, at 9:00 a.m., at the Hotel Chaco, 2000 Bellama Ave NW, Albuquerque, New Mexico, 87104, and continuing from day to day thereafter until completed or as otherwise stipulated by the parties as set forth in section 5.4 of Appendix C of the September 6, 2018 Case Management Plan, as amended (CMP).

PLEASE TAKE FURTHER NOTICE that the Witness is represented by counsel for the State of New Mexico, who consented to accept service of Texas's Notice of Deposition of David Jordan and Subpoena Duces Tecum on behalf of the Witness. Texas coordinated the date, time, and location of this deposition with the Parties and with counsel for the Witness in accordance with section 3 of Appendix C of the CMP and the Stipulation Regarding Discovery Scheduling Protocol entered into by and between the Parties on October 25, 2018.

PLEASE TAKE FURTHER NOTICE that the testimony will be recorded stenographically by a certified court reporter duly authorized to administer oaths under the laws of the State of New Mexico. Pursuant to the provisions of the Federal Rules of Civil Procedure, the deposition may also be videotaped and/or recorded for use as evidence in this action, at trial, or for such other purposes as permitted. Texas reserves the right to use the videotaped and/or recorded deposition at the trial of this matter and in any other evidentiary hearing or proceedings where oral testimony may be admitted into evidence. The deposition testimony may also be recorded through an instant visual display of the testimony, of which a rough draft of the testimony may be requested.

PLEASE TAKE FURTHER NOTICE that the Witness is required to bring, in electronic form if possible, to the deposition the following documents and things not already provided. As used herein, the term "DOCUMENTS" refers to all writings of any kind or nature whatsoever in their actual or constructive possession, custody, care, or physical control, including without limitation, correspondence, memoranda, agreements, messages, notes, contracts, or electronically stored information (ESI) as described in the CMP (or any subsequent ESI stipulations of the parties) and includes drafts as well as final versions of the foregoing:

1. The Witness's complete file in connection with his/her investigation and evaluation of the issues involved in the lawsuit, including but not limited to:
 - a. All DOCUMENTS furnished to him/her by anyone;
 - b. All DOCUMENTS obtained or created by him/her;
 - c. All DOCUMENTS he/she reviewed, referred to, or relied upon in arriving at any of his/her opinions or conclusions concerning the issues involved in the lawsuit, including, but not limited to, all scientific and technical articles, publications, codes, standards and other literature;

- d. All models, illustrations, photographs, or other exhibits or DOCUMENTS of any kind in which he/she intends or contemplates using to explain, illustrate, or support his/her testimony at trial; and
 - e. All correspondence, notes, reports, draft reports, charts, diagrams, computer programs, and disks, instrument recordings, testing data, pleadings, depositions, statements, recreations, and animation, and any other DOCUMENTS, things (including but not limited to, any exemplars) and/or evidence which have ever been part of the expert's files.
2. All photographs taken or reviewed by the expert that relate to this case.
 3. All DOCUMENTS, including, but not limited to, reports, books, notes, computer programs and disks, photographs, tests, and other similar documents or information which they have utilized for their opinions in this case.
 4. All DOCUMENTS defined in Rule 703 of the Federal Rules of Evidence, including, but not limited to, treatises, texts, or other written, audio or visual information of any sort upon which the expert relied in the formation or in the support of his/her opinions.
 5. Billing and time records that relate to their work as a consultant/expert in this case, including the dates of work, time spend, and amount charged.
 6. A current curriculum vitae.

Respectfully submitted,

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Dated: January 2, 2020

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CERTIFICATE OF SERVICE

This is to certify that on this 2nd day of January 2020, I caused a true and correct copy of **STATE OF TEXAS'S NOTICE OF DEPOSITION OF DAVID JORDAN AND SUBPOENA DUCES TECUM** to be served upon all parties and *amici curiae*, by and through the attorneys of record and/or designated representatives for each party and *amicus curiae* in this original action. As permitted by order of the Special Master, and agreement among the parties, service was effected by electronic mail to those individuals listed on the attached service list, which reflects all updates and revisions through the current date.

Respectfully submitted,

Dated: January 2, 2020


Corene E. Rodder

SERVICE LIST FOR ALL PARTIES AND AMICI CURIAE



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