

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 JUNE 2019 STATUS REPORT

STUART L. SOMACH, ESQ.*
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**Counsel of Record*

June 7, 2019

COMES NOW the State of Texas (Texas) and provides the following status report to the Special Master pursuant to paragraph 5 of the Case Management Plan (CMP), as amended.

Since filing Texas's May Status Report, Texas received and reviewed additional documents provided by the Texas Water Development Board and is processing its second supplemental production of documents in response to New Mexico's request for production for upload and service today, June 7, 2019. Additionally, Texas anticipates an additional document production pursuant to Rule 26 to follow shortly thereafter. Texas further continues to review newly provided data, documents, and electronically stored information (ESI), to determine responsiveness and evaluate for production to the parties and *amici curiae*. Texas anticipates serving additional productions of documents and intends to complete its response to New Mexico's First Set of Requests for Production by June 17, 2019.

Additionally, pursuant to the CMP, Texas and the United States disclosed their Expert Witness Information and produced their experts' reports, supporting and reference data, documents, and files on May 31, 2019. These materials have also been successfully uploaded to, and are now maintained on, the Veritext Vault and available to the Accessing Parties. Additionally, Texas intends to upload database load files for each of its experts' productions of data, documents, and files by close of business, June 7, 2019, to enable more efficient review by all counsel and to ensure consistency in future references to the data, documents, and files produced, in anticipation of the commencement of expert depositions.

Additionally, Texas noticed and conducted numerous depositions of current and former employees of New Mexico, attended by the parties and various *amici curiae*. These depositions are currently scheduled to continue through September 2019.

Further, Texas has served numerous subpoenas for inspection of real property, sampling, and testing, as well as subpoenas for productions of documents to third parties. The proposed inspections are scheduled in late July and early August 2019. The responses to the subpoenas for productions of documents are due in the same time frame. The parties continue to participate in bi-weekly discovery teleconferences to address any issues that arise during the course of ongoing discovery, including their collective efforts to coordinate the scheduling of depositions, and to discuss their respective collections and disclosures of documents and ESI responsive to requests for productions and relevant to the subject matter of this original action. The parties also meet and confer regularly to discuss additional discovery matters, including Texas's recently served subpoenas, Texas's and the United States' expert disclosures, and proposed scheduling of expert depositions.

The parties and *amici curiae* attended the April 2, 2019 in-person hearing before the Special Master in Denver, Colorado, regarding the various pending motions for judgment on the pleadings and motions addressing previously decided legal issues.

Dated: June 7, 2019

Respectfully submitted,

s/ Stuart L. Somach

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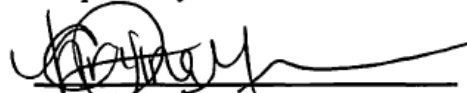
Defendants.

OFFICE OF THE SPECIAL MASTER

CERTIFICATE OF SERVICE

This is to certify that on this 7th day of June 2019, I caused a true and correct copy of **The State of Texas's June 2019 Status Report** 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,



Christina Garro

Dated: June 7, 2019

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(Service via E-Mail and U.S. Mail)

Honorable Michael J. Melloy

Special Master
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