

No. 141, Original

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IN THE  
SUPREME COURT OF THE UNITED STATES

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STATE OF TEXAS,

*Plaintiff,*

v.

STATE OF NEW MEXICO AND  
STATE OF COLORADO,

*Defendants.*

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**OFFICE OF THE SPECIAL MASTER**

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**STATE OF TEXAS'S JULY 2019 STATUS REPORT**

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July 3, 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 June Status Report, Texas has served several supplemental productions of documents in response to New Mexico's requests for production. Additionally, Texas anticipates serving additional document productions in the coming weeks pursuant to the parties' electronically stored information (ESI) search term and collection protocol discussions. Texas's agencies are conducting searches and reviewing potential sources of ESI. Texas's counsel has received ESI from various agencies and, consistent with the ESI Search Term and Collection Protocol exchanged with the parties, Texas is currently executing ESI searches, reviewing resulting files, and evaluating ESI for responsiveness and/or privilege.

Pursuant to the CMP, Texas and the United States disclosed their Expert Witness Information and produced their experts' reports, supporting materials, reference data, and documents on May 31, 2019. Since filing the June Status Report, Texas has provided database load files for those expert disclosure productions for the purposes of consistent identification of documents, data, and native files throughout this litigation. Texas has also served supplemental expert disclosure productions on behalf of experts Land IQ, Roux & Associates, and Montgomery & Associates.

Additionally, Texas noticed numerous depositions of current and former employees of New Mexico, which are currently scheduled to continue through September 2019. The Parties regularly confer regarding availability and scheduling of deposition witnesses.

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 for late July and early August 2019. The responses to the subpoenas for productions of documents are due in this same timeframe.

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 of documents and relevant to the subject matter of this original action. The parties meet and confer as needed 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.

Further, on June 17, 2019, the United States Supreme Court (Court) referred to Special Master Melloy, the motion for leave to intervene filed by Pre-Federal Claimants, the Nathan Boyd Estate, et al. (Movants). In accordance with the Court's decision, the Special Master scheduled oral argument by order of June 17, 2019, and heard arguments from counsel for the Movants and the Parties on July 1, 2019.

Dated: July 3, 2019

Respectfully submitted,

*s/ Stuart L. Somach*

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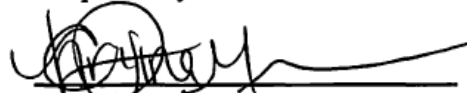
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**CERTIFICATE OF SERVICE**

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This is to certify that on this 3rd day of July 2019, I caused a true and correct copy of **The State of Texas's July 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: July 3, 2019

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