

August 21, 2018

Via Electronic Mail and U.S. Mail

Judge Michael J. Melloy
U.S. Court of Appeals for the Eighth Circuit
United States Courthouse
111 Seventh Avenue S.E., Box 22
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Michael_Melloy@ca8.uscourts.gov
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Re: *State of Texas v. State of New Mexico and State of Colorado*
Supreme Court Docket No. 141 Original- Proposed Addition to August 28,
2018 Draft Agenda

Dear Special Master Melloy:

Pursuant to the request articulated in the Draft Agenda for the August 28, 2018 Status Conference, the State of Texas and the United States propose adding the following item to the discussion under Paragraph 3. Issues That Can Be Decided Pre-Trial:

- Discussion of early dispositive motions in the nature of a Rule 12(c) and/or Rule 56 motion(s) related to various counterclaims raised by the State of New Mexico.

Additionally, for the convenience of the Special Master and the Parties, we have attached a matrix showing the relative dates proposed by the Parties, comparing what is contained in the competing Exhibit B with the relevant dates based upon the actual “at issue date” of June 1, 2018.

Judge Michael J. Melloy

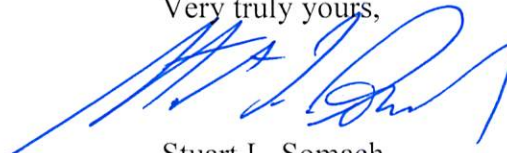
Re: *State of Texas v. State of New Mexico*, et al., Supreme Court Docket No. 141 Original-

Proposed Addition to August 28, 2018 Draft Agenda

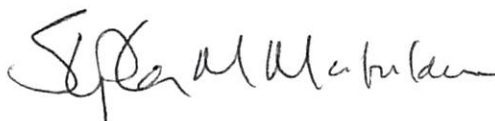
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Very truly yours,



Stuart L. Somach
Counsel of Record
State of Texas



Stephen M. Macfarlane
Senior Attorney
United States Department of Justice

SLS:rs

Attachment

cc: All counsel via e-mail only (See Attached Service List)

**Texas/United States
Events/Deadlines**

June 1, 2018	July 23, 2018	Event
Monday, February 11, 2019 (255 days from 6/1/18)	Thursday, April 4, 2019 (255 days from 7/23/18)	Disclosure of expert witnesses and expert reports
Tuesday, June 11, 2019 (375 days from 6/1/18)	Friday, August 2, 2019 (375 days from 7/23/18)	Disclosure of rebuttal experts and reports
Thursday, July 11, 2019 (405 days from 6/1/18)	Friday, August 30, 2019 Actual L/D Sun, 9/1/19 (405 days from 7/23/18)	Expert depositions begin
Friday, November 8, 2019 (525 days from 6/1/18)	Monday, December 30, 2019 (525 days from 7/23/18)	Deadline for completion of discovery.

**New Mexico/Colorado
Deadline/Events**

June 1, 2018	July 23, 2018	Event
Wednesday, November 28, 2018 (180 days from 6/1/18)	Friday, January 18, 2019 Actual L/D Sat, 1/19/19 (180 days from 7/23/18)	Disclosure of Plaintiffs' expert witnesses and expert reports; Expert witness depositions commence upon disclosure of the expert by the Parties (Fed. R. Civ. P. 26(b)(4)(A))
Tuesday, September 24, 2019 (480 days from 6/1/18)	Friday, November 15, 2019 (480 days from 7/23/18)	Disclosure of Defendants' responsive expert witnesses and experts (including Defendant expert witnesses and expert reports supporting Counterclaims); Expert witness depositions commence upon disclosure of the expert by the Parties (Fed. R. Civ. P. 26(b)(4)(A))
Wednesday, January 22, 2020 (600 days from 6/1/18)	Friday, March 13, 2020 (Actual LD/ Sat., 3/14/20 (600 days from 7/23/18)	Disclosure of Plaintiffs' rebuttal reports
Tuesday, April 21, 2020 (690 days from 6/1/18)	Friday, June 12, 2020 (690 days from 7/23/18)	Deadline for Completion of discovery

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

Honorable Michael J. Melloy

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