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September 13, 2021

Via Electronic Mail

Hon. Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401
TXvNM141@ca8.uscourts.gov

**Re: *Texas v. New Mexico*, No. 141, Original
New Mexico's Response to the United States' Letter of September 10, 2021**

Dear Special Master Melloy,

I am writing to respond to the letter submitted by the United States on Friday, September 10, 2021 ("US Letter") regarding whether Texas and the United States should be allowed to call Dr. Al Blair and Dr. Phil King twice, once during the October 4, 2021 trial setting, and once during the March 2022 trial setting.

Up until the United States filed its letter, the Parties had been working cooperatively to mutually submit a Joint Motion to Adopt Remote Protocols along with a Proposed Order. Those joint documents reflect a good faith effort by the Parties to work together on the issues presented by the bifurcated trial setting. New Mexico is pleased to report that the Parties have reached agreement on the vast majority of issues. For the 3 4 remaining issues in dispute, the Parties agreed to identify the issues, state their relative positions in the joint submittals, and allow the Special Master to resolve the disputed issues based on those submissions.

New Mexico was therefore surprised and disappointed to see the US Letter in which the United States unilaterally isolates one of the issues in dispute for separate consideration. Rather than respond in this letter, New Mexico will provide its position on this issue in the joint submittals, as the Parties had originally contemplated. Those joint submittals are in the final review stage, and New Mexico anticipates that they will be filed later today or tomorrow. Seeing the full joint submittals will allow the Special Master to understand the disputed issues in context, and will include a complete description of the positions of the Parties on each disputed issue.

REPLY TO:

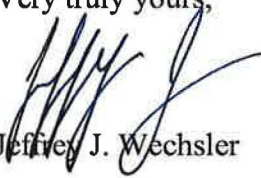
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Hon. Michael J. Melloy
Special Master
September 13, 2021
Page 2

We look forward to discussing these issues further.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Jeffrey J. Wechsler', is written over the printed name.

Jeffrey J. Wechsler

cc: Service List

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 NEW MEXICO'S CERTIFICATE OF SERVICE

♦

This is to certify that on September 13, 2021, I caused a true and correct copy of the **State of New Mexico's Response to the United States' Letter of September 10, 2021** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 13th day of September, 2021.

/s/ Michael A. Kopp

Michael A. Kopp

Special Assistant Attorney General

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