

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 NOTICE OF WITHDRAWAL
OF MOTION TO EXCLUDE THE UNITED STATES' EXPERT TESTIMONY
OF IAN M. FERGUSON**

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Special Master Melloy and Counsel:

PLEASE TAKE NOTICE that the State of New Mexico hereby withdraws its Motion to Exclude the United States' Expert Testimony of Ian M. Ferguson, filed September 5, 2019. New Mexico had understood from conferral with the United States regarding the basis for its Motion to Exclude that the United States believed its disclosures satisfied the Federal Rules and did not intend to supplement them. However, on September 16, 2019, the United States filed a Supplemental Disclosure of Expert Witness Ian M. Ferguson that largely addresses New Mexico's perceived deficiencies in the initial disclosure of Dr. Ferguson's expert opinions. As a result, New Mexico hereby WITHDRAWS its Motion to Exclude Dr. Ferguson's testimony.

Respectfully submitted this 20th day of September, 2019,

/s/ David A. Roman

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OFFICE OF THE SPECIAL MASTER
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STATE OF NEW MEXICO'S CERTIFICATE OF SERVICE
◆

This is to certify that on the 20th of September, 2019, I caused a true and correct copy of the **State of New Mexico's Notice of Withdrawal of Motion to Exclude the United States' Expert Testimony of Ian Ferguson** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 20th day of September, 2019.

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