

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

AMENDMENT TO CASE MANAGEMENT PLAN

January 31, 2019

AMENDMENT TO CASE MANAGEMENT PLAN

For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED:

The November 21, 2018, Case Management Plan (Docket No. 145) is amended as follows:

1. Paragraph 6 which sets forth deadlines and a schedule for filing motions and briefs is amended as follows:

February 28, 2019 Deadline for Responses to the Pending Motions on the Pleadings and Motions for Partial Summary Judgment Filed by the United States, State of Texas and State of New Mexico.

March 15, 2019 Deadline for Reply Brief on Motions.

April 2, 2019 Byron White United States Courthouse, Denver, Colorado, hearing on Motions at 9:00 a.m., Mountain Time.

2. The anticipated discovery motions to be filed by Elephant Butte Irrigation District shall be filed by February 28, 2019. Any response by any of the parties to whom the motion is directed shall be filed by no later than March 15, 2019. A telephonic hearing on the motion and any responses thereto will be set by separate notice.
3. The Status Report due February 1, 2019, need not be filed by the parties.
4. Appendix B attached to the November 21, 2018, scheduling order is amended and replaced by the attached Schedule B. I want to alert the parties that I intend to discuss this schedule at the April 2 hearing. The trial date has now

slipped six months from the original goal of fall 2021. I question whether we need ten to eleven months from the close of discovery to trial. As indicated, I plan to discuss these issues at the April 2 hearing. The parties should be prepared to discuss the discovery schedule.

Dated: January 31, 2019



Honorable Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401
Telephone: 319-423-6080
Facsimile: 319-423-6085

APPENDIX B
Texas v. State of New Mexico and State of Colorado, No. 141, Original
Revised Summary of Deadlines
January 31, 2019

<u>DEADLINE</u>	<u>EVENTS</u>
May 31, 2019	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))
October 31, 2019	Disclosure of Defendants' responsive expert witnesses and expert reports (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))
December 30, 2019	Disclosure of Plaintiffs' rebuttal reports
March 27, 2020	Disclosure of Defendant's rebuttal reports
May 1, 2020	Deadline for completion of discovery
June 30, 2020	Deadline for filing dispositive motions
August 14, 2020	Oppositions to dispositive motions
August 31, 2020	Replies in support of dispositive motions
September 2020 (date and time to be set)	Hearing on Dispositive Motions
December 2020	Final pretrial conference statements
December 2020	Final pretrial conference
March/April 2021	Trial Commences