

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

THE STATE OF TEXAS'S OCTOBER 5, 2018 STATUS REPORT

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October 5, 2018

COMES NOW the State of Texas and provides the following status report to the Special Master pursuant to paragraph 5 of the September 6, 2018, Case Management Plan (CMP).

Pursuant to the CMP, as revised on September 6, 2018, and Rule 26(a)(1) of the Federal Rules of Civil Procedure, the United States of America, the State of Texas, the State of New Mexico, and the State of Colorado (the “Parties”), uploaded their respective initial document productions and mutually exchanged notices of production of documents. The Special Master ordered the Parties to produce documents no later than September 30, 2018. The State of Texas uploaded to the VeritextVault, an initial production of 14,884 documents, Bates numbered TX_00000001 – TX_00191845. The State of Texas is continuing to review potentially discoverable documents and intends to supplement its initial production of documents as responsive documents become available for production.

The Parties memorialized an agreement for the production of documents, electronically stored information (ESI), and data to a central repository (the “VeritextVault”) and submitted this agreement, entitled Interim Stipulation Regarding Procedure for Use of Central Repository for Distribution and Service of Discovery, Production of Documents and Data Responsive to Discovery, to the Special Master on September 28, 2018. The Parties are currently in discussions to formalize additional procedures and a mutually acceptable cost-sharing agreement.

Further, the State of Texas circulated a draft Stipulation for the production of ESI to all Parties on October 5, 2018 specifying the form and content of productions of documents to share data and database resources, including load files, indices, and metadata, in order to reduce processing time, vendor costs, and unnecessary time and expense. The Parties anticipate filing the Stipulation for ESI with the Special Master on or before October 15, 2018. The Parties additionally are working toward the mutual exchange of information necessary to develop an index system pursuant to the CMP section 7.2.2, and meeting and conferring to establish a written scheduling protocol for the coordination of depositions.

The Parties intend to continue their efforts to coordinate production and organization of all non-privileged and discoverable documents, to improve efficiency and reduce expense through all phases of discovery.

Dated: October 5, 2018

Respectfully submitted,

s/ Stuart L. Somach

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CERTIFICATE OF SERVICE

I certify that the State of Texas's October 5, 2018 Status Report has, on this day, been served to the Special Master by email and U.S. mail and to all counsel of record and indicated parties by email.

Respectfully submitted this 5th day of October 2018,

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

Honorable Michael J. Melloy

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