

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

November 21, 2018

AMENDMENT TO CASE MANAGEMENT PLAN

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

The September 2018 Case Management Plan (Docket No. 124) is amended and substituted as follows:

1. Discovery Scheduling Protocol.

The Stipulation Regarding Discovery Scheduling Protocol (Docket No. 136) is approved.

2. Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information.

The Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information (Docket No. 142) is approved. It is the understanding of the Special Master that this stipulation replaces and supersedes the interim stipulation (Docket No. 128). To the extent any further action is needed in connection with the interim stipulation, the parties shall so advise the Special Master.

3. Veritext Cost Allocation.

The Special Master, having considered the arguments of counsel in this case, has determined that the costs associated with the storage and management of documents by Veritext shall be allocated as follows:

State of Colorado - 10 percent

Each Amici - 3 percent

State of Texas, State of New Mexico, United States - 1/3 each of the balance

4. State of Kansas.

The State of Kansas shall advise the Special Master within 30 days whether it intends to continue to participate as an amicus in this action. In the event Kansas does remain as an amicus, it shall be responsible for its 3 percent share of the Veritext costs and, at a minimum, will be expected to participate in telephonic scheduling and status conferences.

5. As discussed at the status conference in this case, the time for responding to certain requests for production of documents and other discovery deadlines will be shortened to 60 days. Specifically, the time to respond to interrogatories in Section 7.1 of the scheduling order is reduced to 60 days from the date of service; the time to respond to requests for production of documents and the inspection of parties provided for in Section 7.2 of the scheduling order is reduced to 60 days. Likewise, the time for non-parties to respond to the request for production of documents as set forth in Section 7.3 of the scheduling order is reduced to 60 days. (It should be noted that there appears to be an internal inconsistency in the un-amended Section 7.3. Section 7.3 indicates that non-parties shall have 90 days to respond to the request for production of documents. It then goes on to provide that if either the party or the non-party anticipates production will require more than 60 days, the parties shall attempt to agree on a mutually acceptable deadline. This amendment to Section 7.3 which reduces the time for response to the production of documents to 60 days should resolve the inconsistency.)

6. Deadlines.

The Special Master will adopt the deadlines and scheduling suggestions set out in the pleading filed by the State of Texas and the United States (Docket No. 141.) Specifically, the schedule for filing motions and a briefing schedule is as follows:

December 24, 2018	Deadline for filing Motion on Pleadings and Motions for Partial Judgment regarding "law of the case" or matters previously decided.
January 23, 2019	Deadline for Responses to Motions on Pleadings or for Partial Judgment on legal issues.
February 7, 2019	Deadline for Reply Brief on Motions.
To Be Determined	Hearing on Motions.

7. Appendix B.

Appendix B attached to the September 2018 scheduling order is amended and replaced by the attached Appendix B.

Dated: November 21, 2018.



Honorable Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401
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APPENDIX B
Texas v. State of New Mexico and State of Colorado, No. 141, Original
Revised Summary of Deadlines
November 21, 2018

<u>DEADLINE</u>	<u>EVENTS</u>
May 2, 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))
September 29, 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))
November 30, 2019	Disclosure of Plaintiffs' rebuttal reports
February 28, 2020	Disclosure of Defendant's rebuttal reports
April 1, 2020	Deadline for completion of discovery
May 30, 2020	Deadline for filing dispositive motions
July 14, 2020	Oppositions to dispositive motions
July 30, 2020	Replies in support of dispositive motions
August 2020 (date and time to be set)	Hearing on Dispositive Motions
November 2020	Final pretrial conference statements
November 2020	Final pretrial conference
January/February 2021	Trial Commences