

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.

UNITED STATES OF AMERICA,

Intervenor.

OFFICE OF THE SPECIAL MASTER

ORDER

December 1, 2022

ORDER

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

A status conference in the above case was held on Tuesday,
November 29, 2022, at 1:30 p.m., CST. Pursuant to discussions at that conference:

- (1) The joint brief of Texas, New Mexico, and Colorado in support of their Motion to Unseal (Doc. No. 728) and in opposition to the United States' Motion to Strike (Doc. No. 729) is due on **December 5, 2022**.
- (2) The brief of the United States in opposition to the joint Motion to Unseal (Doc. No. 728) and in support of the Motion to Strike (Doc. No. 729) is due on **December 9, 2022**.
- (3) A remote video hearing on the above-referenced motions will be held **December 15, 2022, at 11:00 a.m. CST via Zoom**.
- (4) Deadlines set forth in my order of October 26, 2022 (Doc. No. 715) are amended as follows:
 - a. The Amici and United States' briefs in opposition to the Joint Motion to Enter Consent Decree (Doc. No. 719) are due **January 20, 2023**.
 - b. The States' joint reply brief in support of the Joint Motion to Enter Consent Decree (Doc. No. 719) is Due **February 3, 2023**.
- (5) An in-person hearing on the Joint Motion to Enter Consent Decree (Doc. No. 719) will be held during the week of **February 6-10** at a time and place and pursuant to procedures to be announced by future order.

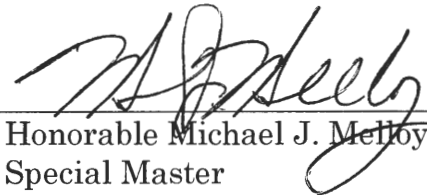
I would request Worldwide Court Reporters set up the Zoom link. If Judge Boylan is available, I would also request he participate.

I also wish to memorialize the comments made at the hearing concerning amici access to confidential documents. Any amici who have signed the confidentiality agreements previously tendered in this case and who have had access to settlement documents shall be entitled to receive the Memorandum of Points and Authorities filed in Support of the Joint Motion of Texas, New Mexico, and Colorado to Enter Consent Decree and the exhibits attached to the memorandum (Doc. No. 720). Disclosure of those documents will be upon the same

terms and conditions as previously ordered by the undersigned concerning access by amici to confidential documents. The amici shall obtain the sealed documents directly from the movants.

At this time, none of the amici will be granted access to the United States' Motion to Strike (Doc. No. 729) nor the anticipated joint brief of Texas, New Mexico, and Colorado in opposition to the motion and any reply by the United States. Briefing on the Motion to Strike and participation in the hearing scheduled for December 15, 2022, will be limited to the named parties (Texas, New Mexico, Colorado, and United States). The amici will be allowed to observe, subject to the possibility that the hearing may go into closed sessions.

Dated: December 1, 2022



Honorable Michael J. Melloy
Special Master
United States Circuit Judge