

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 DECEMBER 7, 2018 STATUS REPORT

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December 7, 2018

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

As your honor is aware, the parties formalized the now approved and entered Stipulation for production of Electronically Stored Information and have been diligently working cooperatively to refine a list of search terms and custodians in order to collect and review all potentially discoverable information related to the claims and defenses in this case. Texas has been collecting and reviewing documents and intends to serve its first supplemental production of documents prior to December 31, 2018, with additional supplemental productions to follow on a rolling basis.

Texas has further commenced taking depositions, beginning with the Board of Directors of El Paso County Water Utilities District No. 1 (EP1), taken from November 15, 2018 through November 28, 2018. Depositions of the Board of Directors of Elephant Butte Irrigation District (EBID) are scheduled to begin the week of December 17, 2018. The Parties are currently coordinating regarding counsel and witness availability and intend to resume depositions beginning January 2019.

In addition to its ongoing Federal Rule of Civil Procedure 26 obligation to produce documents and disclose information, Texas and the State of New Mexico (New Mexico) have mutually exchanged Requests for Productions of Documents, responses to which are due in early February 2019. Additionally, Texas propounded Interrogatories upon New Mexico, responses to which are due in early January 2019.

Additionally, Texas is preparing Motions for Judgment on the Pleadings and Motions for Partial Judgment regarding “law of the case” matters previously decided and

will proceed with filing in accordance with the Special Master's briefing schedule outlined in the November 21, 2018 Amendment to the Case Management Plan.

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: December 7, 2018

Respectfully submitted,

s/ Stuart L. Somach

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CERTIFICATE OF SERVICE

I certify that the State of Texas's December 7, 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 7th day of December 2018,

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Honorable Michael J. Melloy

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