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December 7, 2018

Via E-mail

Hon. Michael J. Melloy
Special Master
United States Circuit Judge
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, IA 52401
TXvNM141@ca8.uscourts.gov

Re: Texas v. New Mexico and Colorado,
United States Supreme Court, No. 141, Original,
State of Kansas's participation as amicus

Dear Judge Melloy:

In the November 21, 2018 amendment to the case management plan in this case, you asked the State of Kansas to advise you whether it intends to continue to participate as an amicus. The State of Kansas would like to remain as an amicus, but in a more limited role than the case management plan contemplates and without the obligation of paying to store the parties' discovery materials.

As you know, the case management plan gives amici a more active role in the litigation than amici typically would have. *See, e.g.*, Case Management Plan (Docket No. 124) ¶¶ 3, 7.2.1.1. The State of Kansas does not anticipate taking such an active role. For example, counsel for the State do not plan to attend depositions and do not anticipate needing access to the Veritext "electronic vault." Accordingly, the State does not agree to pay a share of the Veritext costs.

The State would, however, like to reserve the right afforded under section 3.3 of the case management plan to "file amicus briefs pertaining to any . . . legal interests of the [State] in response to any motion or brief pending before the Special Master." This role is similar to that provided by Supreme Court Rule 37 and Federal Rule of Appellate Procedure 29.

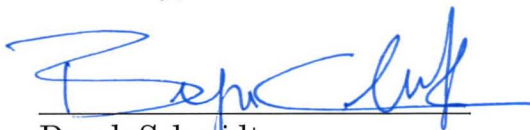
Hon. Michael J. Melloy

December 7, 2018

Page 2

Thank you for your consideration of the State of Kansas's request. Counsel for the State will plan to participate in the December 14, 2018 telephonic conference to answer any questions you may have regarding the State's desired level of participation in the pending proceedings.

Sincerely,



Derek Schmidt

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cc: Service List

SERVICE LIST FOR ALL PARTIES

**In The Supreme Court of the United States, Original No. 141
STATE OF TEXAS v. STATE OF NEW MEXICO and STATE OF COLORADO**

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SPECIAL MASTER

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****Updated 4/16/2018**

Corrected the spelling of Pricilla M. Hubenak to Priscilla M. Hubenak and added her e-mail address Priscilla.Hubenak@oag.texas.gov to the Service list.

****Updated 4/18/2018**

Added Toby Crouse (toby.crouse@ag.ks.gov) as the Solicitor General for the State of Kansas and removed Stephen R. McAllister.

****Updated 4/24/2018**

Added Clerk of Court information and updated Special Master e-mail address.

****Updated 11/16/18**

Added Bryan Clark's e-mail address (bryan.clark@ag.ks.gov) for the State of Kansas