

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

◆
**STATE OF NEW MEXICO'S
DECEMBER 7, 2018 STATUS REPORT**

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December 7, 2018

COMES NOW the State of New Mexico and respectfully submits this status report to the Special Master pursuant to Paragraph 5 of the Case Management Plan.

Since New Mexico filed its previous Status Report on October 5, 2018, the following developments have occurred in *Texas v. New Mexico and Colorado*, No. 141, Original. First, on October 25, 2018, the Parties appeared at a telephonic status conference before the Special Master to discuss various scheduling and case management issues. The same day, the Parties also signed a Stipulation Regarding Discovery Scheduling Protocol. Following the status conference, on November 14, 2018, the Parties signed a Stipulation Regarding Procedure for Production of Documents and Electronically Stored Information. The Parties continue to negotiate a stipulated list of search terms each will use to search for electronically stored information. The Special Master issued an amendment to the Case Management Plan on November 21, 2018, which amendment approved both of the above stipulations and, among other things, approved new expert disclosure deadlines and changed discovery deadlines to 60 days for responses to interrogatories and requests for production of documents.

Since New Mexico filed its previous Status Report on October 5, 2018, the Parties have also propounded discovery. Texas submitted its Interrogatories, Set One to the State of New Mexico, on October 19, 2018. On November 6, 2018, New Mexico submitted its First Request for Production of Documents to the State of Texas and First Request for Production of Documents to El Paso County Water Improvement District No. 1. On November 8, 2018, Texas served its Request for Production of Documents, Set One to State of New Mexico. In addition, all parties attended the depositions of several members of El Paso County Water Improvement District No. 1's ("EPCWID") Board of Directors, as well as EPCWID's manager, in El Paso on November

15th, 16th, 26th, 27th, and 28th. Depositions for Elephant Butte Irrigation District's Board of Directors are scheduled to be held in Las Cruces on December 12th, 13th, 17th, 18th, and 19th.

In addition to the foregoing, New Mexico made a supplemental disclosure of relevant documents on October 19, 2018. New Mexico continues to review documents in its possession, custody, or control to identify additional documents relevant to disputed facts and intends to make supplemental productions of further relevant documents by uploading them to the Veritext Vault. The parties also continue to hold bi-weekly conference calls to discuss matters relating to discovery.

Respectfully submitted this 7th day of December, 2018,

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CERTIFICATE OF SERVICE

This is to certify that on the 7th of December, 2018, I caused true and correct copies of the **State of New Mexico's December 7, 2018 Status Report** to be served by e-mail and U.S. Mail on the Special Master and by e-mail to all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 7th day of December, 2018.

/s/ Michael A. Kopp

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