

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

JOINT MOTION TO EXTEND DEADLINE FOR REPLIES
TO DISPOSITIVE MOTIONS

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The United States of America (United States), the State of New Mexico, the State of Texas, and the State of Colorado by and through their undersigned attorneys, jointly move the Court for a two-week extension of the deadline for the briefing of dispositive motions in this matter. In further support of this Motion, the Parties state as follows:

1. Pursuant to the Court's Order and Amendment to Trial Management Schedule dated September 29, 2020 ("Scheduling Order"), the Parties' dispositive motions were filed on November 5, 2020; oppositions to those motions were filed on December 22, 2020; and replies are currently due January 18, 2021.

2. The moving Parties are seeking an extension for the filing of replies to the pending motions based on discussions with counsel for the States of Texas, New Mexico, and Colorado. The State of Colorado has indicated that it does not oppose the schedule proposed below.

3. Developments in this case, and the complexity of the briefing require more time to adequately prepare the replies for the benefit of the Special Master, and additional time is needed. These developments include:

A. Voluminous briefing filed by the various parties in response to the dispositive and evidentiary motions filed by the Parties on December 22, 2020, which require substantial review of new and additional factual allegations and documents. The Parties filed 8 briefs totaling approximately 283 pages. In addition, New Mexico filed a 67 page document listing 320 new additional statements of fact, and 120 supplemental exhibits totaling approximately 4366 pages. In addition to its briefs, Texas filed evidentiary objections of 127 pages, and an additional appendix of 30 exhibits containing approximately 1065 pages. In addition to its brief, the United States filed a 59 page

response to New Mexico's Statements of Facts, and an additional appendix of approximately 45 pages. The length and subjects of these documents requires additional time for review and response by the Parties.

B On January 6, 2020, additional briefing was filed by amici New Mexico State University, Elephant Butte Irrigation District, City of El Paso, El Paso County Water Improvement District No. 1, City of Las Cruces, Albuquerque Bernalillo County Water Utility Authority, and New Mexico Pecan Growers and the Southern Rio Grande Diversified Crop Farmers Association. These briefs comprise another 150 pages of briefing, include issues not previously raised by the parties, and are accompanied by over 200 pages of additional exhibits. This substantial influx of additional briefing to which the Parties must respond was not anticipated or accounted for in the original briefing schedule. The need to review and respond to this additional briefing is placing a substantial additional burden on the Parties.

4. For this reason, the parties request a two-week extension of the deadline for the filing of the Replies to Dispositive Motions to Monday, February 1, 2021.

5. The parties believe that the requested extension will not materially affect the overall schedule of this case. The date for oral argument on the motions has not been set, but oral argument on the motions in late February of 2021 is still possible. Alternatively, the oral argument could be held as early in March as the Special Master's schedule allows given the extensive volume of material that the Special Master is being asked to review.

WHEREFORE, the Parties respectfully requests the Court to enter an Order granting the Joint Motion to Amend the Scheduling Order, and establishing a new deadline for filing replies to dispositive motions of **February 1, 2021**.

Respectfully submitted this 8th day of January 2020.

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CERTIFICATE OF SERVICE

This is to certify that on the 8th day of January, 2021, I caused a true and correct copy of this **JOINT MOTION TO EXTEND DEADLINE FOR REPLIES TO DISPOSITIVE MOTIONS** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

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Special Master

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