

**No. 141, Original**

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**In the  
SUPREME COURT OF THE UNITED STATES**

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**STATE OF TEXAS,**

**Plaintiff,  
v.**

**STATE OF NEW MEXICO and  
STATE OF COLORADO,**

**Defendants**

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**OFFICE OF THE SPECIAL MASTER**

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**UNITED STATES' UNOPPOSED MOTION TO EXTEND DISPOSITIVE MOTION  
DEADLINES**

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The United States of America (United States) by and through its undersigned attorneys, respectfully moves the Court to extend the deadlines for the briefing of dispositive motions in this matter. In further support of this Motion, the United States states as follows:

1. Pursuant to the Court's Order and Amendment to Trial Management Schedule dated May 5, 2020 ("Scheduling Order"), the Parties' dispositive motions are due October 15, 2020; oppositions are due December 1, 2020; and replies are due December 21, 2020.

2. The United States is moving for this extension based on discussions with counsel for the States of Texas, New Mexico, and Colorado, who have indicated their support to the schedule proposed below.

3. Certain circumstances and developments in this case and others involving the parties' counsel are creating unexpected hardships for the parties that make it difficult to adequately prepare dispositive motions under the current schedule, and additional time for completion of the motions is needed. These circumstances include:

A. Oral argument in *Texas v. New Mexico*, No. 65 Original, involving litigation over the Pecos River Compact, has been scheduled for October 5, 2020. Both Mr. Weschler, lead counsel for the State of New Mexico, will be arguing the case, and Mr. Liu, counsel for the United States with the Office of the Solicitor General is also involved. In addition, on October 6, 2020, Mr. Liu also will be arguing the United States position in *Rutledge v. Pharmaceutical Care Management Association*. Substantial time is needed to prepare for these arguments. Both of these attorneys' full participation is also necessary for the proper development of the dispositive motions in this proceeding. The conflict with the proceedings in the Pecos litigation is a substantial hardship on both parties.

B. The mediator selected by the Special Master is also seeking a time commitment of the parties in October that will further compress the time to be devoted to critical briefing. The mediator is requesting mediation briefs to inform him, and intends to have preliminary discussions with a number of parties during the week of October 19. These efforts in the mediation will present additional challenges to preparation of briefing. Additional time for mediation may also assist the parties in determining whether settlement is feasible.

C. Completion of discovery and of depositions that have extended into September and October have consumed more resources than originally contemplated. While the parties have been working cooperatively to complete the depositions, unanticipated problems have arisen, including health issues that have stretched out the timing of completion.

D. On September 17 2020, New Mexico produced additional model runs that need to be reviewed to determine their relationship, if any, to the motions. New Mexico produced approximately 3.6 terabytes of data that is currently being reviewed by Texas' and the United States' experts.

3. The parties agree that any change of the briefing schedule should try to avoid deadlines falling in the week between Christmas and New Year due to staffing and other related considerations. For this reason, the parties request a three week extension of all of the dispositive motion briefing deadlines. The following amendments to the Scheduling Order are proposed:

Dispositive Motions Deadline: November 5, 2020

Opposition to Dispositive Motions: December 22, 2020

Replies to Dispositive Motions: January 18, 2021

4. The parties believe that oral argument on the motions can be held in early February of 2021, and trial will still commence in the summer of 2021.

WHEREFORE, the United States respectfully requests the Court to enter an Order granting the United States Motion to Amend the Scheduling Order, and establishing new deadlines as follows:

- A. The deadline for filing of dispositive motions: **November 5, 2020**
- B. The deadline for filing opposition to dispositive motions: **December 22, 2020**
- C. The deadline for filing replies to dispositive motions: **January 18, 2021.**

Respectfully submitted this 28th day of September 2020.

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CERTIFICATE OF SERVICE

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This is to certify that on the 28th day of September 2020, I caused a true and correct copy of **UNITED STATES' UNOPPOSED MOTION TO EXTEND DISPOSITIVE MOTION DEADLINES** to be served via electronic mail upon those individuals listed on the Service List, attached hereto.

Respectfully submitted,

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