

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

**[PROPOSED] ORDER GRANTING THE UNITED STATES OF AMERICA’S MOTION
TO STRIKE DECLARATIONS**

The United States moved to strike the Second Declaration of Margaret Barroll, PhD (“NM-EX-006), the Second Declaration of John D’Antonio (NM-EX-007), the Second Declaration of Estevan R. Lopez, P.E. (NM-EX-008), the Declaration of Ryan J. Serrano (NM-EX-010), the Second Declaration of Jennifer Stevens, PhD (NM-EX-011), and the Declaration of Lee Wilson, PhD (NM-EX-013), to the extent these declarants testify to matters beyond their personal knowledge or technical expertise. For the reasons stated in the United States’ Motion to Strike, this motion is **GRANTED**. Accordingly, the Court strikes the following paragraphs and the portions of the brief that rely on these assertions:

- Second Declaration of Margaret Barroll, PhD, NM-EX-006: Paragraphs 13-21, 23-24, 27, 28, 29 (sentences 1-4, 6-7), 33, 37 (sentence 2), 38 (sentence 2), 39 (sentence 7), 43, 50 (sentences 3-6, 8), 53, 54 (sentences 3-4), 55-57, 62 (sentences 2-3), 65, 67, 72, and 75-79.
- Second Declaration of John R. D'Antonio, Jr., NM-EX-007: Paragraphs 2, 4, 8 (sentences 2-7), 9, 9 n.3 &4, 10, 11 (sentence 2), 12-13, 14, 14 n.5 15 (sentence 1), 17 (part of sentence 1), 18, 18 n.6, 19 (part of sentence 1, sentence 2), 20, 21 n.8, 22 (sentence 3), 22 n.9, 23(sentence 2), 24 (sentence 2), 25 (sentence 4), 26 (sentences 2-3), 28, 37(a) (sentence 3 and the bullets in their entirety), 37(a) n.11, 37(b) (sentence 2), 37(b) n.12 (sentences 1, 5), 37(c) (bullet 1 in its entirety, part of sentence 1 on bullet 2), 37(c) n.13, 37(c) n.14 (sentence 1), 40 n.15, 44, (sentence 5), 47, 49 (sentence 3-4, part of sentence 5), 51-52, 53 (sentence 7), 54 n.20, 55, 56 (part of sentence 1), and 57 (sentence 3).
- Second Declaration of Estevan R. Lopez, NM-EX-008: Paragraphs 4-37, 38 (sentences 1-5), 39-41.
- First Declaration of Ryan J. Serrano, NM-EX-010: Paragraphs 8, 13(f) (sentence 3), 14(g) (sentences 2-3), 15, 19 (sentence 2), 26(sentence 1), 29, 31 n.6 (sentence 2), 32 (sentence 7), 35-36, 37 (sentence 2).
- Second Declaration of Jennifer Stevens, PhD, NM-EX-011: Paragraphs 3-32.
- Declaration of Lee Willson, PhD, NM-EX-013: Paragraphs 4 (sentences 3-6), 6(a) (sentence 3), 6(b) (part of sentence 2, sentences 3-4), 6(e) , 6(g) (sentences 1, part of sentence 2, sentences 3-4), 6(h), and 9.

Dated this ____ day of _____, 2021.

Honorable Michael J. Melloy
 Special Master
 United States Circuit Judge
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