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June 14, 2021

Via Electronic Mail

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

**Re: State of Texas v. State of New Mexico, No. 141, Original
New Mexico's Status Letter Concerning Status of Pending Motions**

Dear Special Master Melloy,

Paragraph 4 of the Special Master's Order dated June 4, 2021, provides: "The parties shall advise the undersigned by no later than Monday, June 14, 2021, as to which of the pending motions, which were filed prior to entry of the order on summary judgment, need resolution."

The State of New Mexico requests that the Special Master consider and resolve New Mexico's Objections to and Motion to Strike Texas's Late-Filed Expert Opinions (Feb. 12, 2021). The motion raises issues concerning the timeliness of the State of Texas's disclosure of certain expert opinions that need resolution before trial to prevent unfair surprise. New Mexico acknowledges, however, that the motion is partially moot with respect to Dr. Miltenberger's late-disclosed opinions concerning New Mexico's Compact apportionment below Elephant Butte Reservoir. New Mexico described these opinions in Section III(A) of the motion. New Mexico does not seek further consideration of that matter because it was effectively resolved in the Special Master's Order dated May 21, 2021. In all other respects, the motion is ripe for decision.

Otherwise, New Mexico does not seek a decision on any other motions that it filed prior to the Special Master's Order on the cross motions for summary judgment.

Best regards,

/s/ Jeffrey J. Wechsler
Jeffrey J. Wechsler

cc: Counsel

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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 CERTIFICATE OF SERVICE

◆

This is to certify that on June 14, 2021, I caused a true and correct copy of the **State of New Mexico's Status Letter Concerning Status of Pending Motions** to be served by e-mail upon all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 14th day of June, 2021.

/s/ Michael A. Kopp

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(service via email and U.S. Mail)

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