

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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ORDER

June 4, 2021

## ORDER

For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED:

Pursuant to the discussions at the status conference held on June 3, 2021, it is ordered as follows.

1. Amendment to pleadings.

Texas has advised the parties and Special Master that it is contemplating an amendment to the pleadings. If Texas decides to go forward with the proposed amendment it shall be filed by no later than Monday, June 14, 2021. If Texas decides not to pursue amendments to the pleadings it shall so advise the Special Master and parties. If an amendment is filed the undersigned anticipates discussing with counsel at the next status conference the procedure to be followed in connection with the amendment, including whether the amendment should be referred to the Supreme Court for its review.

2. New Mexico motion regarding admissibility of expert reports.

The motion filed by New Mexico concerning the admissibility of expert reports is denied as moot. The denial is without prejudice to New Mexico or any other party filing a renewed motion dealing with the subject matter of the expert reports.

3. Clarification of paragraph IX. of the Trial Management Order.

For purposes of the trial scheduled to commence on September 13, 2021, the issues will be limited to liability and whether Texas, as plaintiff, and New Mexico, as counterclaimant, have sustained more than de minimis damages. The quantification of the amount of damages and remedies, if any, will be bifurcated for a subsequent trial after Supreme Court review of the report resulting from the September 13, 2021, trial.

4. Pending motions.

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.

5. Site visit.

New Mexico's motion for a Special Master tour is tentatively granted, subject to working out the logistics and date. Attorney Wechsler has agreed to work with the parties and amici to establish a date for the tour, the locations to be visited and the logistics. It is anticipated the date will be either the week of August 16 or August 23, 2021. Attorney Wechsler shall file a report with the undersigned by no later than Friday, June 18, 2021, as to the status of those discussions and whether a mutually agreeable date has been agreed upon.

6. Trial management issues.

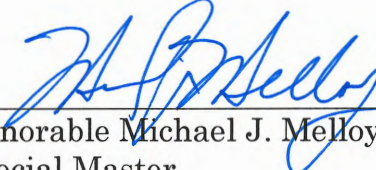
The undersigned anticipates continued discussion concerning the trial schedule and time limits at a continued status conference.

7. Status conference.

A status conference will be held on **July 1, 2021, at 1:00 p.m. Central Daylight Time**, to be set up by the parties and Worldwide Court Reporters.

If any party wishes to have an item included on the agenda for the July 1 status conference, they shall advise the undersigned and all parties by no later than Monday, June 28, 2021.

Dated: June 4, 2021

  
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Honorable Michael J. Melloy  
Special Master  
United States Circuit Judge  
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