

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

ORDER

July 27, 2020

ORDER

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

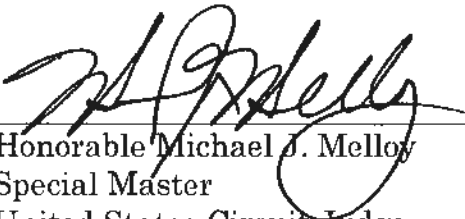
Pursuant to the discussions with counsel at the status conference held on July 24, 2020, it is ordered as follows. (PLEASE NOTE CHANGE IN PARAGRAPH 4 FROM THE DISCUSSION WITH COUNSEL.)

1. A further status conference with the Special Master will be held on August 7, 2020, at 11:00 a.m. Central Daylight Time, to be set up by the parties and Worldwide Court Reporters.
2. Supplementation of expert reports. The undersigned discussed with counsel the request by the State of New Mexico that a date certain be established to supplement any expert reports in this case. The parties have agreed to confer amongst themselves and if an agreement cannot be reached, the matter will be taken up at the hearing to be held on August 7, 2020.
3. Clarification of paragraph 3.5 of the Case Management Plan. The undersigned does not believe that any changes to paragraph 3.5 of the Case Management Plan is required at this time. To the extent that any party believes that any amici are abusing their privilege to participate in depositions, they shall file a motion to that effect. Until such a motion is filed no further changes will be made.
4. Disclosure of expert reports. At the hearing on July 24 it was indicated that the parties would brief the issue of whether expert reports should be disclosed to the Special Master at this time. Upon further reflection, I plan to delay the briefing and disclosure of any reports. It is not necessary for any party in interest to file a brief on that issue at this time, nor will expert reports be required to be filed until further order of the Special Master.
5. Motion to amend Case Management Plan. The State of New Mexico has filed a motion to amend the Case Management Plan. The United States and any other party in interest that wishes to file a resistance or response to that motion shall do so by Friday, July 31, 2020. New Mexico shall file a reply, if any, by Thursday, August 6, 2020. A

hearing on the motion will be held as part of the status conference on August 7, 2020.

6. Taping of depositions. An issue was raised concerning the use of a cell phone to make a video copy of a portion of one of the depositions in this case. The use of a cell phone or any other device to create a video image of a deposition will be prohibited, except the video created by the official court reporter. The only documents and video to be allowed are the official edited transcript, the real-time unedited transcript and the video created by the court reporter. How any part or all of those three documents are used by the attorneys in communicating with their respective clients is left to the discretion and good judgment of the attorneys.

Dated: July 27, 2020



Honorable Michael J. Melloy
Special Master
United States Circuit Judge
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