

**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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**CASE MANAGEMENT ORDER NO. 11**

**July 1, 2016**

## CASE MANAGEMENT ORDER NO. 11

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

### **1. Pre-Filing Inspection of Draft of Report**

At the telephone status conference held on June 30, 2016, the parties were informed that they would be given the opportunity to inspect the Special Master's Pre-Filing Draft of the First Interim Report which addresses four motions: New Mexico's Motion to Dismiss Texas' Complaint; New Mexico's Motion to Dismiss the United States' Complaint in Intervention; and the motions to intervene filed by Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1. This draft report has been sent to counsel for the parties via Federal Express for delivery Friday, July 1, 2016.

### **2. Legal Status of the Pre-Filing Inspection Draft**

The Pre-Filing Inspection Draft is merely a draft and is not the report of the Special Master within the meaning of Federal Rule of Civil Procedure 53(e). The Special Master, accordingly, has not, and will not, file the Pre-Filing Inspection Draft in the Supreme Court. The contents of the Pre-Filing Inspection Draft may be disclosed to the public.

### **3. Suggested Technical or Clerical Corrections**

Not later than August 1, 2016, the parties may submit letter briefs (with copies to all counsel), not to exceed twenty pages, presenting for the Special Master's consideration suggested technical corrections to the Pre-Filing Inspection Draft, such as misstatements of law, misstatements of fact and clerical errors.

### **4. Filing of the Report**

The Special Master will file his report on the motions after August 1, 2016. The content of the report may differ from the Pre-Filing Inspection Draft.

### **5. New Law Clerk**

The Special Master advised the parties that Meredith Grabill, who has served as his law clerk, is leaving his law firm to pursue other opportunities. The Special Master expressed his gratitude for her assistance in this matter.

The Special Master proposed to the parties that he be authorized to engage Alex Rothenberg, an associate at his firm, to replace Ms. Grabill as his law clerk, at the hourly rate of \$300, which is the same rate as Ms. Grabill's. Mr. Rothenberg received his J.D. *magna cum*

*laude* in 2012 from Tulane Law School. While at Tulane, Mr. Rothenberg received the Dean's Scholarship, and he served as Senior Articles Editor of the Tulane Law Review. He served as law clerk to the Hon. Nannette Jolivet Brown, of the United States District Court for the Eastern District of Louisiana, from 2012-2013.

Counsel for the parties, Texas, New Mexico, Colorado and the United States, had no objection to Mr. Rothenberg's engagement.

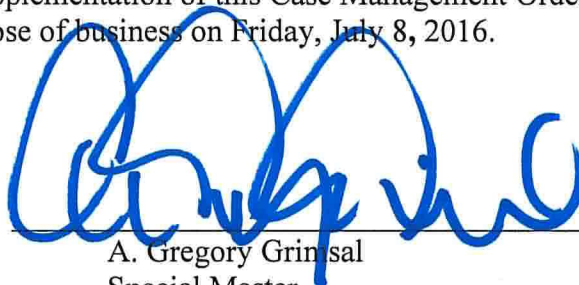
#### **6. Telephone Status Conference**

A Status Conference will be conducted by telephone at 2:00 p.m., Central Daylight Time, on August 11, 2016. All parties may participate in the conference by dialing 866-813-9720 and entering Access Code 3607823. The purpose of this conference is to select a date by which New Mexico will file an answer in this matter and also a date by which the parties will have conferred and prepared a draft case management plan for the Special Master's review and approval.

#### **7. Requests for Modification or Supplementation**

Any requests for modification or supplementation of this Case Management Order should be received by the Special Master before close of business on Friday, July 8, 2016.

Dated: July 1, 2016.



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