

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

CASE MANAGEMENT ORDER NO. 2

February 19, 2015

CASE MANAGEMENT ORDER NO. 2

A status conference was conducted by telephone on January 6, 2015. For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED:

1. New Mexico's Request for Modification or Supplementation of Case Management Order No. 1

The Special Master granted New Mexico's Request as to the introduction of parties and as to the revision of the Distribution List for Service of Documents.

2. Fees and Expenses of the Special Master and Staff

The parties did not object to the proposed hourly rates of the Special Master and his staff; therefore, the following rates will apply: \$400 per hour for the Special Master; \$300 per hour for Patrick M. Shelby and Meredith S. Grabill; \$125 per hour for paralegal services; and \$350 per hour for consultant Professor Gregg M. Maggs.

The parties likewise did not object to the proposed procedure for payment of the Special Master's fees and expenses; therefore, the Special Master will file with the Clerk of the Supreme Court of the United States a motion for allowance of fees and disbursements not sooner than every six months, with copies of those motions to be served on the parties by the Special Master.

All parties are to attempt to achieve an amicable agreement as to the percentage of fees and expenses to be paid by each party. The parties are to notify the Special Master of any such agreement by means of a joint or consent motion.

3. Rules governing these proceedings

The parties are to adhere to the form of pleadings and motions prescribed by the Federal Rules of Civil Procedure. In all other matters, the Federal Rules of Civil Procedure and the Federal Rules of Evidence presumptively apply. However, it is not necessary at this time for the parties to provide Rule 26 disclosures.

4. Methods for filing and service

All documents shall be filed with the Special Master as set forth in Case Management Order No. 1. Filings will be deemed to have been filed and served on the date that they are e-mailed to the Special Master, whose docket sheet will reflect that date for each filing.

The parties shall serve individuals on the Distribution List for Service of Documents attached hereto as Appendix A, which reflects the information provided by the parties. Service will be made electronically with one hard copy to be served on each party. Any party that has

not done so is ordered to submit to the Special Master and to all parties a list of e-mail and physical addresses for those individuals upon whom that party wishes all filings to be served.

All pleadings, papers, and other documents submitted to the Special Master must indicate, in the certificate of service or elsewhere, the means by which service or transmittal has been accomplished.

5. Venue for conferences and proceedings

All conferences and proceedings shall be conducted in New Orleans, Louisiana, either in the Fifth Circuit Court of Appeals or in the United States District Court for the Eastern District of Louisiana, as will be indicated in any Case Management Order setting the conference or hearing.

6. New Mexico's Motion To Dismiss/Comprehensive Case Management Plan

In view of New Mexico's pending motion to dismiss the claims of Texas and of the United States, and as the parties have agreed, it is not necessary at this time for the parties to prepare a draft comprehensive case management plan.

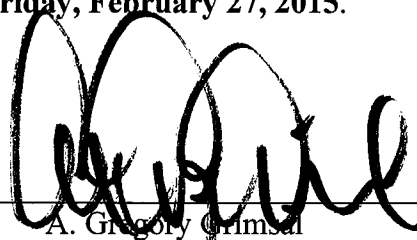
7. Participation of Nonparties in Conferences and Proceedings

Unless ordered otherwise for a particular proceeding, nonparties may attend conferences and proceedings in this matter. Any nonparty wishing to attend by listening in to a telephone conference should inform the office of the Special Master by e-mail at least twenty-four hours in advance of the telephone conference.

8. Requests for Modification or Supplementation

Any requests for modification or supplementation of this Case Management Order should be received by the Special Master on or before **Friday, February 27, 2015**.

Dated: February 19, 2015.



A. Gregory Grimsal
Special Master
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& Eagan, LLC
201 St. Charles Avenue
Suite 4000
New Orleans, LA 71070-4000
Telephone: (504) 582-1111
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Appendix A
Distribution List for Service of Documents

In The Supreme Court of the United States, Original No. 141
STATE OF TEXAS v. STATE OF NEW MEXICO and STATE OF COLORADO

Parties¹

Texas	<p>Stuart L. Somach* Andrew M. Hitchings Robert B. Hoffman Francis M. "Mac" Goldsberry II Somach Simmons & Dunn, PC 500 Capitol Mall, Suite 1000 Sacramento, CA 95814</p> <p>Elizabeth M. Spence <i>Senior Paralegal</i></p>	<p>(916) 446-7979 (916) 803-4561 (cell) ssomach@somachlaw.com ahitchings@somachlaw.com rhoffman@somachlaw.com mgoldsberry@somachlaw.com</p> <p>espence@somachlaw.com</p>
New Mexico	<p>Sarah A. Bond* Stephen R. Farris <i>Assistant Attorneys General</i> Amy I. Haas <i>Special Assistant Attorney General</i> State of New Mexico P.O. Drawer 1508 Sante Fe, New Mexico 87501</p> <p>Hector Balderas <i>Attorney General</i> State of New Mexico P.O. Drawer 1508 Sante Fe, New Mexico 87501</p>	<p>(505) 827-7481 sbond@nmag.gov</p> <p>(505) 827-6000 hbalderas@nmag.gov</p>
Colorado	<p>Chad M. Wallace* <i>Senior Assistant Attorney General</i> Karen M. Kwon <i>First Assistant Attorney General</i> Preston V. Hartman <i>Assistant Attorney General</i> Colorado Department of Law 1300 Broadway, 7th Floor Denver, CO 80203</p>	<p>(720) 508-6281 chad.wallace@state.co.us karen.kwon@state.co.us preston.hartman@state.co.us</p>

¹ An asterisk by an attorney's name indicates the lead attorney for the party.

	Nan B. Edwards <i>Paralegal</i>	(720) 508-6281 nan.edwards@state.co.us
United States	James J. Dubois* R. Lee Leininger U.S. Dept. of Justice Environment & Natural Resources Division 999 18 th Street South Terrace – Suite 370 Denver, CO 80202 Donald B. Verrilli, Jr. <i>Solicitor General</i> Ann O’Connell <i>Assistant to the Solicitor General</i> U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001 Stephen M. Macfarlane U.S. Department of Justice Environment & Natural Resources Division 501 I Street, Suite 9-700 Sacramento, CA 95814 Laurie B. Himebaugh Paralegal	(303) 844-1375 james.dubois@usdoj.gov lee.leininger@usdoj.gov (202) 514-2217 supremectbriefs@usdoj.gov (916) 930-2204 stephen.macfarlane@usdoj.gov (303) 844-1375

Amici (For Informational Purposes Only)

<p>Hudspeth County Conservation and Reclamation District No. 1</p>	<p>Andrew S. "Drew" Miller Kemp Smith LLP 816 Congress Ave., Suite 1260 Austin, Texas 78701</p>	<p>(512) 320-5466 dmiller@kempsmith.com</p>
<p>El Paso County Water Improvement District No. 1</p>	<p>James M. Speer, Jr.* 300 East Main Street, Suite 1032 El Paso, Texas 79901</p> <p>Maria O'Brien Sarah M. Stevenson Modrall, Sperling, Roehl, Harris & Sisk, P.A. 500 Fourth Street N.W., Suite 1000 Albuquerque, New Mexico 87103</p>	<p>(915) 534-7393 jmspeer@htg.net</p> <p>(505) 848-1800 mobrien@modrall.com sstevenson@modrall.com</p>
<p>City of Las Cruces</p>	<p>Jay F. Stein* James C. Brockmann Seth R. Fullerton Stein & Brockmann, P.A. P.O. Box 2067 Santa Fe, NM 87504</p> <p>Harry S. Connelly, Jr. Marcia B. Driggers City of Las Cruces City Attorney's Office P.O. Box 12428 Las Cruces, NM 88004</p>	<p>(505) 983-3880 jfstein@newmexicowaterlaw.com</p> <p>(575) 541-2128 cityattorney@las-cruces.org</p>
<p>City of El Paso</p>	<p>Douglas G. Caroom* Bickerstaff Heath Delgado Acosta LLP 2711 S. MoPac Expressway Building One, Suite 300 Austin, Texas 78746</p>	<p>(512) 472-8021 dcaroom@bickerstaff.com</p>

Special Master

Special Master	A. Gregory Grimsal <i>Special Master</i> Gordon, Arata, McCollam, Duplantis & Eagan, LLC 201 St. Charles Ave., 40 th Floor New Orleans, LA 70170	(504) 582-1111 <u>original.141@gordonarata.com</u>
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