

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

CITY OF EL PASO, TEXAS' MOTION TO
SUPPLEMENT CASE MANAGEMENT ORDER NO. 4

DOUGLAS G. CAROOM
Counsel of Record
SUSAN M. MAXWELL
BICKERSTAFF HEATH
DELGADO ACOSTA LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746
(512) 472-8021
dcaroom@bickerstaff.com

Counsel for Amicus Curiae

To the Honorable Special Master:


Pursuant to Paragraph 3 of Case Management Order No. 4, the City of El Paso, Texas (El Paso) requests that the Special Master supplement the Order to allow oral argument by El Paso upon the following grounds:

1. El Paso depends upon water apportioned to Texas by the Rio Grande Compact for its municipal water supply, meeting up to half the annual demand of the almost 800,000 customers it serves with Rio Grande water when it is available. As such, El Paso has a vital interest in the outcome of this litigation.
2. El Paso opposes New Mexico's motion to dismiss and has previously briefed the facts and issues presented. *See* Brief of *Amicus Curiae* City of El Paso, Texas in Opposition to New Mexico's Motion to Dismiss Texas' Complaint and the United States' Complaint in Intervention.
3. El Paso did not previously request permission to present argument because it has been the experience of undersigned counsel that oral argument by *amici* is rarely allowed in such original actions.
4. El Paso appreciates the Special Master's willingness to hear argument from *amici*, believes that its argument will assist the Special Master's consideration of New Mexico's motion, and requests that it also be allotted time to address New Mexico's motion to dismiss.

Counsel for El Paso has conferred electronically with counsel for the parties and for other *amici* and, as of the time of filing this motion, has been advised of no objections to its motion.

Dated June 26, 2015

Respectfully submitted,

By: 
Douglas G. Caroom *FOR*
Susan M. Maxwell

Counsel for Amicus Curiae City of El Paso

CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 26th day of June, 2015, a true and correct copy of the above and foregoing Motion was forwarded via email to the parties on the attached Service List.



Douglas G. Caroom *FCP*

SERVICE LIST

State of Texas v. State of New Mexico and State of Colorado
No. 141, Original

Special Master:

A. Gregory Grimsal
Gordon, Arata, McCollam, Duplantis & Eagan, LLC
201 St. Charles Avenue, Suite 4000
New Orleans, LA 71070-4000
(504) 582-1111
Original.141@gordonarata.com

Counsel of Record for Plaintiff, State of Texas:

Stuart L. Somach
Elizabeth M. Spense
Andy Hitchings
Francis Goldsberry
Robert B. Hoffman
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814-2403
(916) 446-7979
ssomach@somachlaw.com
espence@somachlaw.com
ahitchings@somachlaw.com
mgoldsberry@somachlaw.com
rhoffman@somachlaw.com

Counsel of Record for Intervenor-Plaintiff, United States:

[*service address required pursuant to S. Ct. R. 29.4(a)*]

Donald B. Verrilli, Jr.
Solicitor General of the United States
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
(202) 514-2217
SupremeCtBriefs@usdoj.gov

Robert D. Greher
Edwin S. Kneedler
Ann O'Connell
Keith E. Saxe
R. Lee Leininger
James J. Dubois
Department of Justice
Environmental & Natural Resources Division
999 18th Street
South Terrace – Suite 370
Denver, CO 80202
(303) 844-1375
James.dubois@usdoj.gov
Lee.leininger@usdoj.gov

Stephen M. MacFarlane
Department of Justice
Environmental & Natural Resources Division
501 I Street, Suite 9-700
Sacramento, CA 95814
(916) 930-2204
Stephen.macfarlane@usdoj.gov

Counsel of Record for Defendant, State of New Mexico:

Sarah A. Bond
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, NM 87501
(505) 827-6010
sbond@nmag.gov

Hector Balderas
Attorney General
State of New Mexico
P.O. Drawer 1508
Santa Fe, NM 87501

(505) 827-6000
hbalderas@nmag.gov

Bennet W. Raley
Lisa M. Thompson
Trout, Raley, Montano Witwer & Freeman, P.C.
1120 Lincoln Street, Suite 1600
Denver, CO 80203
(303) 861-1963
braley@troutlaw.com
lthompson@troutlaw.com

John B. Draper
Draper & Draper LLC
(505) 570-4590
Jeffrey J. Wechsler
Montgomery & Andrews, P.A.
325 Paseo de Peralta
Santa Fe, NM 87501
(505) 982-3873
John.draper@draperllc.com

Counsel of Record for Defendant, State of Colorado:

Chad Matthew Wallace
Karen Kwon
Preston V. Hartman
Senior Assistant Attorney General
Colorado Department of Law
1300 Broadway
Denver CO 80203
(303) 866-5461
(720) 508-6281
chad.wallace@state.co.us
Karen.kwon@state.co.us
Preston.hartman@state.co.us
Nan.edwards@state.co.us

Counsel of Record for *Amicus* El Paso County Water Improvement District No. 1:

James M. Speer, Jr.
Maria O'Brien
Sarah M. Stevenson
300 East Main St.
Suite 1032
El Paso, TX 79901
(915) 534-7393
jmspeer@htg.net

mobrien@modrall.com
sstevenson@modrall.com

**Counsel of Record for *Amicus* Hudspeth County Conservation and Reclamation District
No. 1:**

Andrew S. “Drew” Miller
Kemp Smith LLP
816 Congress Ave.
Suite 1260
Austin, TX 78701
(512) 320-5466
dmiller@kempsmith.com

Counsel of Record for *Amicus* City of Las Cruces:

Jay F. Stein
Stein & Brockmann, P.A.
P.O. Box 2067
Santa Fe, NM 87504-2067
(505) 983-3880
jfstein@newmexicowaterlaw.com

Counsel of Record for *Amicus* Elephant Butte Irrigation District:

Lee E. Peters
Peters Law Firm
PO Box 2796
Las Cruces, NM 88004
(575) 526-2101
lep@leepeterslaw.com

Roderick E. Walston
Best Best & Krieger LLP
2001 N. Main Street, Suite 390
Walnut Creek, CA 94596
(925) 977-3300
Roderick.walston@bbklaw.com

Steven L. Hernandez
Law Offices of Steven L. Hernandez
2100 N. Main Street
PO Box 13108
Las Cruces, NM 88013
slh@lclaw-nm.com