

BARNCASTLE LAW FIRM, LLC

1100 South Main, Ste. 20
Las Cruces, NM 88005

P.O. Box 1556
Las Cruces, NM 88004

Phone: (575) 636-2377

Fax: (575) 636-2688

March 20, 2019

Honorable Michael J. Melloy, Special Master
U.S. Court of Appeals for the Eighth Circuit
United States Courthouse
111 Seventh Avenue S.E., Box 22
Cedar Rapids, Iowa 52401-2101
Judge_Michael_Melloy@ca8.uscourts.gov

Re: State of Texas & United States of America v. State of New Mexico and State of Colorado,
Original No. 141; Elephant Butte Irrigation District – Discovery Issues with State of NM.

Dear Special Master Melloy,

I have reviewed your March 19, 2019 Order and proposed Agenda for the April 2, 2019 hearing in Denver regarding the above referenced proceeding. I note that you have placed on the Agenda as Item C, Elephant Butte Irrigation District's Discovery Motion (Document No. 214).

First, I must apologize for inadvertently filing with the Court EBID's Objections to State of New Mexico's First Request for Production of Documents on March 11, 2019. I did not intend for that document to be filed of record, and it does not need to be addressed at the April 2nd hearing as a "pending motion". As I stated in my letter to you of February 28, 2019, I was then, and am continuing to work with the State of New Mexico to resolve all discovery issues informally. In fact, we are in the process of scheduling a meeting to review and discuss all of the issues, and I am most hopeful that we will be able to resolve them without involving the Court. Again, and as stated in my February 28th letter, should counsel be unable to fully resolve the matters at issue, I will so advise the Court and seek permission to file any discovery-related motions that may become necessary at a later date.

Again, I apologize for filing EBID's Objections of record – that was an error on my part, and I am sorry for any confusion which that has caused. I am hereby requesting the removal of Item C from the proposed Agenda for the April 2, 2019 hearing.

Sincerely,

BARNCASTLE LAW FIRM

By 

Samantha R. Barncastle, Counsel for EBID

xc: Service List for All Parties (Updated 3/19/2019) (electronically)
SRB/jlc