

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

JOINT MEDIATION SCHEDULING ORDER

Pursuant to the discussions held on the Telephonic Scheduling Conference held on October 21, 2020, the following Mediation Scheduling Order sets forth the schedule and procedure for the mediation and the filing of mediation briefs in this Original Action, between the State of New Mexico, the State of Texas, the State of Colorado, and the United States, U.S. Supreme Court No. 141.

1. **Mediation Statements** will be submitted by the parties on **November 16, 2020**. The Mediation Statements shall be limited to 15 pages, including any relevant or factual evidence, documents or information that would assist the Mediator in understanding each party's issues, rights, duties, obligations, and objectives. Amici will not be permitted to submit separate Mediation Statements.
2. **Mediations** will begin on the week of **December 14, 2020**. Each party, beginning with the State of Texas, will make their presentations individually and confidentially to the Mediator beginning on December 14, 2020. Following each Party's presentation, the next Party will make their presentation to the Mediator in a similar fashion the following day, and will continue until each Party has made their presentation. There will be no time limit for each presentation. The Parties should expect the initial presentations to continue through December 16, 2020, and then expect further mediation discussions to continue on a rolling basis through January 11, 2021. Amici may or may not be asked to present information to the Mediator during this time frame, but it will be at the discretion of the Mediator. Mediations will be conducted remotely by video, using the Zoom platform. The Parties will coordinate with the current court reporting service to provide the Zoom platform and technical assistance.
3. **Online Document Database** will be created jointly by the Parties and access shall be provided to the Mediator as soon as possible. The Parties will upload all relevant and active pleadings into the electronic document storage platform. Parties will also include the citations and language of relevant statutes, rules, and regulations into the shared storage, along with decisions from this case and other caselaw relevant and important to this case.
4. **Amici** will not be allowed to participate in the mediation unless specifically requested by the Mediator after the Parties initial Mediation Presentation in December 2020.
5. **Confidentiality**. All statements and communications between each Party and the Mediator will remain confidential.

Approved as to Form:

/s/ Cholla Khoury

P. Cholla Khoury
Assistant Attorney General
Office of the New Mexico Attorney General

Electronically approved 10/23/2020 /s/ James J. DuBois

James J. DuBois
Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace – Suite 370
Denver, CO 80202

Electronically approved 10/23/2020 /s/ Stuart L. Somach

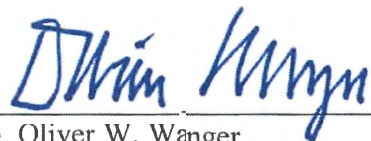
Stuart L. Somach
Somach Simmons & Dunn
Counsel of Record
State of Texas

Electronically approved 10/23/2020 /s/ Chad M. Wallace

Chad M. Wallace
Senior Assistant Attorney General
Colorado Department of Law

Approved by the Mediator.

Dated: October 26, 2020.



Hon. Oliver W. Wanger
U.S. District Judge (Ret.)

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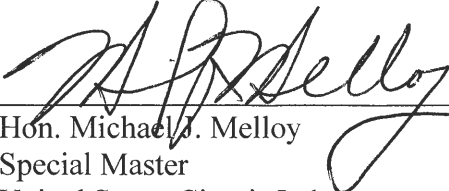
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SO ORDERED.

Dated: October 27, 2020.



Hon. Michael J. Melloy
Special Master
United States Circuit Judge
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