

No. 141, Original

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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**STATE OF NEW MEXICO'S  
FEBRUARY 7, 2020 STATUS REPORT**

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February 7, 2020

COMES NOW the State of New Mexico and respectfully submits this Status Report to the Special Master pursuant to Paragraph 5 of the Case Management Plan.

Since New Mexico filed its previous Status Report on January 3, 2019, the following developments have occurred in *Texas v. New Mexico and Colorado*, No. 141, Original: First, Texas and the United States scheduled and took the depositions of four additional expert witnesses disclosed by New Mexico on January 16, 22, 23, and 24 and February 5 and 6, 2020. As of the date of this status report, Texas has scheduled the depositions of four additional New Mexico experts on February 10, 11, 25, and 26, 2020. New Mexico has scheduled the depositions of two experts for the United States of America on February 12, 19 and 20, 2020. The parties are negotiating dates for the depositions of additional expert and lay witnesses before the close of discovery on May 1, 2020.

Second, the parties have made supplemental disclosures of expert materials. On February 6, 2020, both the United States and New Mexico made supplemental disclosures of expert materials. On February 4 and 5, Texas made two additional supplemental disclosures of expert materials.

Third, the parties have made additional disclosures and productions. New Mexico made additional disclosures of electronically stored information (ESI) retrieved from state computers on January 14 and 30, 2020. New Mexico continues to review documents identified in its ESI search and intends to disclose these documents on a rolling basis. On February 6, 2020, New Mexico received a production of documents in response to its December 23, 2019 subpoena to amicus Hudspeth County Conservation and Reclamation District No. 1. New Mexico will upload these documents to the Veritext Vault soon. Finally, on January 13, 2020, the United States made a

supplemental ESI production. New Mexico understands that the United States also continues to review its ESI and will make additional productions of ESI before the close of discovery.

New Mexico continues to review the plaintiffs' rebuttal expert disclosures and is preparing to make its own rebuttal expert disclosures on March 27, 2020.

New Mexico also continues to participate in regular discovery management calls with the other parties.

Fifth, on February 5, 2020, the Special Master sent a letter to the parties requesting that the parties notify him of their availability for a status conference in Cedar Rapids, Iowa the weeks of March 23 and March 30, 2020. New Mexico sent an email response to the Special Master on February 7, 2020, as requested in the letter. New Mexico will also reiterate here that its attorneys are not available the week of March 23, 2020 as they will be finalizing rebuttal expert disclosures, which are due March 27, 2020, pursuant to the Case Management Plan, as amended. New Mexico's attorneys are available any day the week of March 30, 2020 for a status conference.

Respectfully submitted this 7th day of February, 2020,

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**CERTIFICATE OF SERVICE**

This is to certify that on the 7<sup>th</sup> of February, 2020, I caused true and correct copies of the **State of New Mexico's February 7, 2020 Status Report** to be served by e-mail and U.S. Mail on the Special Master and by e-mail to all counsel of record and interested parties on the Service List, attached hereto.

Respectfully submitted this 7th day of February, 2020.

*/s/ Michael A. Kopp* \_\_\_\_\_

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