

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

◆
**STATE OF NEW MEXICO'S
JANUARY 4, 2019 STATUS REPORT**

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January 4, 2019

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 December 7, 2018, the following developments have occurred in *Texas v. New Mexico and Colorado*, No. 141, Original. First, on December 10, 2018, New Mexico submitted its First Request for Production of Documents to Elephant Butte Irrigation District. On December 12, 13, 17 and 18, 2018, the Parties conducted the depositions of members of the Board of Directors of Elephant Butte Irrigation District in Las Cruces, New Mexico. New Mexico has requested that these depositions be continued to a later date given the early stage of discovery. On December 14, 2018, the Parties appeared at a telephonic status conference before the Special Master to discuss various scheduling and case management issues. On December 24, 2018, New Mexico filed its objections to the State of Texas's Requests for Production, Set One to the State of New Mexico. On January 2, 2019, New Mexico submitted its Responses to the State of Texas's Interrogatories, Set One to the State of New Mexico.

In addition to the foregoing, the Parties have also submitted briefs discussing the law of the case in this matter, and the United States and Texas have also moved for dismissal of some or all of New Mexico's counterclaims and affirmative defenses. On December 26, 2018, the United States submitted a Motion for Judgment on the Pleadings and Memorandum in Support; Texas submitted a Motion to Strike or for Partial Judgment Regarding New Mexico's Counterclaims and Affirmative Defenses as well as a Request for a Judicial Declaration to Confirm Legal Issues Previously Decided and Motion in Limine to Exclude the Introduction of Evidence Thereon; New Mexico submitted a Motion for Partial Judgment on Matters Previously Decided and Brief in Support. Responses from all parties are currently due on January 23, 2019, and replies are due

February 7, 2019. New Mexico understands that the United States intends to request a stay or extension of these deadlines as a result of the ongoing government shutdown. New Mexico does not oppose this request to the extent that any changes in the response and reply deadlines are equally applicable to all Parties.

As for other matters, the Parties continue to negotiate a stipulated list of search terms each will use to search for electronically stored information. New Mexico also continues to review documents in its possession, custody, or control to identify additional documents relevant to disputed facts and intends to make supplemental productions of further relevant documents by uploading them to the Veritext Vault.

Respectfully submitted this 4th day of January, 2019,

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CERTIFICATE OF SERVICE

This is to certify that on the 4th of January, 2019, I caused true and correct copies of the **State of New Mexico's January 4, 2019 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 4th day of January, 2019.

/s/ Michael A. Kopp _____

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