

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
MARCH 6, 2020 STATUS REPORT**

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March 6, 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 February 7, 2020, the following developments have occurred in *Texas v. New Mexico and Colorado*, No. 141, Original: First, Texas scheduled and took the depositions of four additional expert witnesses disclosed by New Mexico on February 10, 11, 12, 25, and 26, 2020. As of the date of this status report, Texas has scheduled the depositions of eleven additional lay and expert witnesses from New Mexico on March 10, and 18 and April 7, 8, 10, 13, 14, 16, 17, 20, 21, 22, 27, 28, 29, and 30, 2020, with multiple depositions occurring on some days. New Mexico scheduled and took the depositions of two experts disclosed by the United States of America on February 12, 19 and 20, 2020 and one expert disclosed by Texas on February 27, 2020. As of the date of this status report, New Mexico has scheduled the depositions of two additional Texas rebuttal experts on March 9 and 17, 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 additional disclosures and productions. New Mexico made additional disclosures of electronically stored information (ESI) retrieved from state computers on February 10 and 17, 2020. New Mexico also made a supplemental disclosure of non-ESI documents on February 28, 2020. New Mexico continues to review documents identified in its ESI search and intends to disclose these documents on a rolling basis. On March 2, 2020, New Mexico received a supplemental production of documents in response to its November 6, 2018 subpoena to amicus El Paso County Water Improvement District No. 1. On March 4, 2020, New Mexico received a supplemental production of documents in response to its February 5, 2019 subpoena to the City of El Paso. New Mexico will upload these documents to the Veritext Vault.

On February 28, 2020, New Mexico also served a second request for production of documents on Texas, another second request for production of documents on the United States, and a subpoena seeking the production of additional documents on amicus Hudspeth County Conservation and Reclamation District No. 1. Finally, on February 20, 2020, the United States made a supplemental ESI production. New Mexico believes the United States continues to review its ESI and will make additional productions of ESI before the close of discovery.

Third, on March 3, 2020, Texas made its ninth supplemental disclosure of expert materials. New Mexico continues to review the plaintiffs' rebuttal expert disclosures and supplemental expert disclosures and is preparing to make its own rebuttal expert disclosures on March 27, 2020.

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

Fifth, on February 18, 2020, the Special Master ordered that a status conference will be held in this case at the United States Courthouse in Cedar Rapids, Iowa.

Respectfully submitted this 6th day of March, 2020,

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CERTIFICATE OF SERVICE

This is to certify that on the 6th of March, 2020, I caused true and correct copies of the **State of New Mexico's March 6, 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 6th day of March, 2020.

/s/ Michael A. Kopp _____

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