

# KIRKLAND & ELLIS LLP

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January 30, 2015

## **By E-mail and U.S. Mail**

Ralph I. Lancaster, Jr.  
Pierce Atwood  
Merrill's Wharf  
254 Commercial Street  
Portland, ME 04101

*Re:* Case Management Plan No. 2

Dear Special Master Lancaster:

I write on behalf of the State of Georgia to seek clarification on a scheduling issue in Case Management Order Number 2. Specifically, on the Summary of Deadlines, the Order sets February 9, 2015 as the deadline for the United States to submit its statement of intended participation. The Summary of Deadlines also sets February 9, 2015 as the date for Georgia to file a motion based on Rule 12(b)(7) for failure to join a necessary and indispensable party. Paragraph 6 of CMO 2 provides that any party objecting to the United States' statement of current intended participation may file a brief explaining its objection within seven days of service of the statement, and no later than February 16, 2015. Georgia respectfully submits that should it choose to file a Rule 12(b)(7) motion relating to the United States it should also be allowed to do so within seven of days of the United States' filing (or on February 9, 2015, whichever is later). That way, the parties and the Special Master will know whether the United States intends to seek intervention and the grounds for its position, which would focus any subsequent 12(b)(7) motion and could potentially avoid the need for motion practice on that issue altogether.

We have conferred with counsel for Florida, and I am authorized to state that Florida has no objection to the deadline adjustment requested by Georgia, without prejudice to Florida's right to raise all available arguments or objections in opposition to any Rule 12(b)(7) motion filed by Georgia.

KIRKLAND & ELLIS LLP

Special Master Ralph I. Lancaster, Jr.  
January 30, 2015  
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Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Craig S. Primis".

Craig S. Primis, P.C.

cc: via email:

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No. 142, Original

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**In The  
Supreme Court of the United States**

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STATE OF FLORIDA,

*Plaintiff,*

v.

STATE OF GEORGIA,

*Defendant.*

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Before the Special Master

Hon. Ralph I. Lancaster

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**CERTIFICATE OF SERVICE**

This is to certify that a letter from Craig Primis to Special Master Ralph I. Lancaster has been served on this 30th day of January 2015, in the manner specified below:

<b><u>For State of Florida</u></b>	<b><u>For United States of America</u></b>
<p><u>By U.S. Mail and Email:</u></p> <p>Allen Winsor Solicitor General Counsel of Record Office of Florida Attorney General The Capital, PL-01 Tallahassee, FL 32399 T: 850-414-3300 allen.winsor@myfloridalegal.com</p>	<p><u>By U.S. Mail and Email:</u></p> <p>Donald J. Verrilli Solicitor General Counsel of Record Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530 T: 202-514-7717 supremectbriefs@usdoj.gov</p>

<p><u>By Email Only:</u></p> <p>Donald G. Blankenau Jonathan A. Glogau Christopher M. Kise Matthew Z. Leopold Osvaldo Vazquez Thomas R. Wilmoth floridawaterteam@foley.com</p>	<p><u>By Email Only:</u></p> <p>Michael T. Gray michael.gray2@usdoj.gov</p> <p>James DuBois james.dubois@usdoj.gov</p>
<p><b><u>For State of Georgia</u></b></p> <p><u>By Email Only:</u></p> <p>Samuel S. Olens Nels Peterson Britt Grant Seth P. Waxman Craig S. Primis K. Winn Allen Sarah H. Warren georgiawaterteam@kirkland.com</p>	<p>/s/ Craig S. Primis</p> <hr/> <p>Craig S. Primis <i>Counsel of Record</i> KIRKLAND &amp; ELLIS LLP 655 Fifteenth Street, NW Washington, DC 20005 T: 202-879-5000 craig.primis@kirkland.com</p>