

No. 142, Original

In The
Supreme Court of the United States

STATE OF FLORIDA,

Plaintiff,

v.

STATE OF GEORGIA,

Defendant.

Before the Special Master

Hon. Ralph I. Lancaster

THE STATE OF FLORIDA'S MARCH 6, 2015, PROGRESS REPORT

Pursuant to Section 4 of the December 3, 2014, Case Management Plan, as subsequently amended, the State of Florida respectfully submits this Progress Report.

I. Discovery Efforts.

Pursuant to Section 6.1.2 of the CMP, as amended, Florida and Georgia timely began production of documents on February 11, 2015, and are producing documents on a rolling basis. As its initial production, Florida produced approximately 14,000 pages of documentation, as well as additional electronically stored information produced in its native format (including voluminous spreadsheets and modelling-related files). Additionally, pursuant to Section 6.1.1 of the CMP, as amended, Florida timely served responses to Georgia's First Set of Interrogatories on February 26, 2015, and Georgia likewise timely served responses to Florida's First Set of Interrogatories that same day. Since the date of the last Progress Report, Florida served four

additional non-party subpoenas seeking information and documents from various regional and local entities within Georgia. Georgia served seven additional non-party subpoenas during that time period. A table listing all subpoenas served on non-parties to date, and the dates such subpoenas were served on opposing counsel, is included as an attachment to this Report. Florida has received productions from a number of the subpoenaed third-parties and continues to work with the subpoenaed third parties to streamline further production and resolve any outstanding issues.

As the discovery propounded to date seeks a broad range of documents and information, Florida continues to identify and collect potentially relevant and/or responsive materials, and to identify custodians of documents. Moreover, the parties continue to work together cooperatively, and have engaged in multiple meet and confer sessions to focus and streamline the discovery process and to resolve discovery issues, including electronic discovery issues. Additionally, the parties agreed to protocols for the production of electronically stored information and documentation, and on March 2, 2015, jointly submitted a proposed clawback order for consideration. This proposed order was incorporated in Case Management Order No. 6, issued on March 3, 2015.

II. Unresolved Disputes.

At this stage, there are no unresolved disputes. While certain issues have been identified regarding the discovery responses to date and/or the proper identification of designated email custodians, as noted above the parties continue to meet and confer on a frequent basis to resolve such issues.

By way of example, the parties have exchanged initial lists of designated email custodians. Florida thereafter identified certain additional key current or former Georgia personnel it believes are appropriate for inclusion in the discovery process and is awaiting a

response from Georgia. As an additional example, Georgia has requested certain supplemental information relative to some of Florida's interrogatory responses. Florida is preparing a response and will continue to work with Georgia towards a prompt resolution. Florida remains of the view that the scope and frequency of counsel interaction has and will continue to facilitate resolution of the foregoing and other issues.

The parties have also devoted a considerable amount of time to further developing and refining the parameters of electronic discovery, including agreement on an initial set of email custodians for each side and the use of defined search terms to be applied to the email accounts of those designated custodians. The goal of this process is to reduce substantially the scope and volume of materials produced. That said, Florida anticipates the volume will still be substantial even given the most successful application of the described process. Florida anticipates the parties will reach agreement as to these issues and the final identification and review of items in this category for production will commence next week.

The parties also continue to discuss technological issues associated with the production of certain data sets and scientific models. The production of such documentation has proven challenging given the technological issues involved. Moreover, the assimilation of even the limited data and modeling information produced to date has been time consuming.

Finally, as noted during the last status conference, the full completion of document production within the 120-day time period remains a concern for both parties. While as described in part above, the parties have continued to meet and confer frequently (often several times per week), and worked to streamline the discovery process, the volume and complex nature of the pertinent discovery materials make meeting the deadline challenging. That said, Florida will continue to gather information, interview relevant custodians, and produce documents and

data on a timely and rolling basis.

III. Further Discovery Anticipated During the Coming Month.

Florida and Georgia continue to confer on the nature and scope of any discovery requests to the United States and anticipate serving requests shortly. Florida also intends to serve additional subpoenas on third parties in the coming month, as well as a second set of interrogatories and requests for production on Georgia. However, given that a small fraction of all discoverable material has been exchanged to date, Florida cannot with certainty determine at this point whether further additional discovery will be necessary, and likely will not be able to make such determination prior to the current March 13, 2015, deadline for service of additional written discovery.

IV. Changes in the General Status of the Matter.

The parties continue to meet and confer to best manage the complex discovery process. No substantial changes in the general status of this matter are therefore anticipated.

Respectfully submitted,

Dated: March 6, 2015.

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CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served on this 6th day of March 2015, in the manner specified below:

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Attachment to Florida's Progress Report

List of Non-Party Subpoenas (As of March 6, 2015)

Entity	Propounding Party	Date Served on Opposing Party
Atlanta-Fulton Water Resources Commission	Florida	1.23.2015
Bartow County, Ga.	Florida	1.23.2015
Cherokee County, Ga.	Florida	1.23.2015
Clayton County, Ga.	Florida	1.23.2015
Dawson County, Ga.	Florida	1.23.2015
Douglas County, Ga.	Florida	1.23.2015
Fayette County, Ga.	Florida	1.23.2015
Forsyth County, Ga.	Florida	1.23.2015
Henry County, Ga.	Florida	1.23.2015
Lumpkin County, Ga.	Florida	1.23.2015
Paulding County, Ga.	Florida	1.23.2015
Rockdale County, Ga.	Florida	1.23.2015
Walton County, Ga.	Florida	1.23.2015
White County, Ga.	Florida	1.23.2015
City of Albany Water, Gas & Light Commission	Florida	1.23.2015
City of Americus, Ga.	Florida	1.23.2015
City of Buford, Ga.	Florida	1.23.2015
City of Cumming, Ga.	Florida	1.23.2015
City of Gainesville, Ga.	Florida	1.23.2015
City of La Grange, Ga.	Florida	1.23.2015
City of Newnan, Ga.	Florida	1.23.2015
DeKalb County Department of Watershed Management	Florida	2.2.2015
City of Cordele, Ga.	Florida	2.2.2015
Gwinnett County Department of Water Resources	Florida	2.2.2015
Gwinnet County Department of Water and Sewerage	Florida	2.2.2015
Georgia River Network, Inc.	Florida	2.2.2015

Columbus Water Works	Florida	2.2.2015
Flint River Partnership	Florida	2.2.2015
City of Bainbridge, Ga.	Florida	2.2.2015
Cobb County-Marietta Water Authority	Florida	2.2.2015
City of Atlanta Department of Watershed Management	Florida	2.2.2015
Habersham County, Ga	Florida	2.2.2015
ACF Stakeholders, Inc.	Florida	2.2.2015
Chattahoochee Riverkeeper, Inc.	Florida	2.2.2015
Jackson County, Fla.	Georgia	2.3.2015
Calhoun County, Fla.	Georgia	2.3.2015
Franklin County, Fla.	Georgia	2.3.2015
Gulf County, Fla.	Georgia	2.3.2015
Gadsden County, Fla.	Georgia	2.3.2015
Liberty County, Fla.	Georgia	2.3.2015
City of Apalachicola, Fla.	Georgia	2.3.2015
City of Carrabelle, Fla.	Georgia	2.3.2015
Florida Sea Grant	Georgia	2.3.2015
Franklin County Seafood Workers Association	Georgia	2.3.2015
Bay County, Fla.	Georgia	2.12.2015
Washington County, Fla.	Georgia	2.12.2015
Apalachicola Bay Chamber of Commerce	Georgia	2.12.2015
Apalachicola Bay Oyster Dealers Association, Inc.	Georgia	2.12.2015
Apalachicola Bay and River Keeper, Inc.	Georgia	2.12.2015
University of Florida	Georgia	2.18.2015
Florida State University	Georgia	2.18.2015
University of Georgia	Florida	3.2.2015
Robert W. Woodruff Foundation, Inc.	Florida	3.2.2015
Joseph W. Jones Ecological Research Center at Ichauway	Florida	3.2.2015
The Stripling Irrigation Research Park	Florida	3.2.2015