

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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**JOINT MOTION FOR CONFIDENTIALITY AND INADMISSIBILITY OF  
SETTLEMENT NEGOTIATIONS**

The States of Florida and Georgia (the “States”) respectfully request that the Special Master enter an Order declaring that any and all settlement negotiations commenced and conducted between and among the States of Florida and Georgia, including related negotiations, discussions or communications with any other agency, party, individual or entity as necessary and appropriate, as well as any and all documents, data or other materials prepared in anticipation of or exchanged in the course of such negotiations, and any and all statements made during such negotiations, are and shall be kept confidential and inadmissible, and not subject to any disclosure absent an Order of the Special Master or the Supreme Court of the United States. In support of this motion, Florida and Georgia state as follows:

1. The Governors of the States of Florida and Georgia have exchanged correspondence recently regarding the conduct of discussions and negotiations the purpose of

which is to explore means to resolve amicably the matters in dispute in this Original Action. The Governors of Florida and Georgia have directed their respective staffs to coordinate these efforts designed to determine whether a negotiated solution is possible at this time. The States intend to pursue these negotiations in the coming weeks.

2. An Order declaring any and all settlement negotiations commenced and conducted between and among the States of Florida and Georgia, including related negotiations, discussions or communications with any other agency, party, individual or entity as necessary and appropriate, as well as any and all documents, data or other materials prepared in anticipation of or exchanged in the course of such negotiations, and any and all statements made during such negotiations, to be confidential and inadmissible, will encourage and facilitate the open exchange of information and proposals necessary to address the issues at bar, and discourage the improper dissemination and/or use of the same.

3. The States anticipate that, from time to time, they may need to include in their discussions certain non-parties (i.e., other agencies, entities, or individuals, including without limitation representatives of the United States) as necessary and appropriate to facilitate a negotiated resolution. If the requested Order is entered (a draft proposed order is attached hereto), the States each shall ensure that any such non-parties shall agree in writing to be bound by the terms of that Order, and shall deem the Order to be in effect and binding on the States despite the presence of those non-parties in their settlement discussions.

4. The States do not request a stay of discovery at this time, nor do they request any modification to the current Case Management Plan or related Case Management Orders at this time.

WHEREFORE, the States of Florida and Georgia respectfully request this Court enter an Order declaring that any and all settlement negotiations commenced and conducted between and among the States of Florida and Georgia, including related negotiations, discussions or communications with any other agency, party, individual or entity as necessary and appropriate, as well as any and all documents, data or other materials prepared in anticipation of or exchanged in the course of such negotiations, and any and all statements made during such negotiations, are and shall be kept confidential and inadmissible, and not disclosed to anyone absent further Order of the Special Master or the Supreme Court of the United States.

Respectfully submitted this 2<sup>nd</sup> day of April, 2015,

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OFFICE OF THE SPECIAL MASTER

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**CASE MANAGEMENT ORDER NO. \_\_\_\_**

This matter is before the Court on a Joint Motion for Confidentiality and Inadmissibility of Settlement Negotiations. In their Motion, the States of Florida and Georgia (the “States”) respectfully request that the Special Master enter an Order declaring that any and all settlement negotiations commenced and conducted between and among the States of Florida and Georgia, including related negotiations, discussions or communications with any other agency, party, individual or entity as necessary and appropriate, as well as any and all documents, data or other materials prepared in anticipation of or exchanged in the course of such negotiations, and any and all statements made during such negotiations, are and shall be kept confidential and inadmissible, and not subject to any disclosure absent an Order of the Special Master or the Supreme Court of the United States.

The Court finds the requested Order will encourage and facilitate the open exchange of information and proposals necessary to address the issues at bar, and discourage the improper dissemination and/or use of the same. The Court will therefore enter the Order the States seek.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Joint Motion for Confidentiality and Inadmissibility of Settlement Negotiations is **GRANTED**.
2. Any and all settlement negotiations commenced and conducted between and among the States of Florida and Georgia, including related negotiations, discussions or communications with any other agency, party, individual or entity as necessary and appropriate, as well as any and all documents, data or other materials prepared in anticipation of or exchanged in the course of such negotiations, and any and all statements made during such negotiations, are and shall be kept confidential and inadmissible, and not subject to any disclosure absent an Order of the Special Master or the Supreme Court of the United States.
3. The States each shall ensure that any non-parties (i.e., other agencies, entities, or individuals, including without limitation representatives of the United States) participating in the discussions or negotiations shall agree in writing to be bound by the terms of this Order, and the States shall deem this Order to be in effect and binding despite the presence of those non-parties in the settlement discussions or negotiations.
4. This Order shall continue in effect unless and until modified by a subsequent Order of the Special Master or the Supreme Court of the United States.

Dated: April \_\_\_, 2015

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Ralph I. Lancaster  
Special Master

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Hon. Ralph I. Lancaster

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**CERTIFICATE OF SERVICE**

This is to certify that the JOINT MOTION FOR CONFIDENTIALITY AND INADMISSIBILITY OF SETTLEMENT NEGOTIATIONS has been served on this 2nd day of April 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 <a href="mailto:Allen.Winsor@myfloridalegal.com">Allen.Winsor@myfloridalegal.com</a></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 <a href="mailto:supremectbriefs@usdoj.gov">supremectbriefs@usdoj.gov</a></p>



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