

**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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**STATUS REPORT OF THE STATE OF GEORGIA  
MAY 1, 2015**

This report constitutes the fourth monthly status report filed by the State of Georgia pursuant to Section 4 of the Case Management Plan.

**I. GENERAL STATUS**

Consistent with past practice, Georgia has met and conferred with counsel for Florida to discuss discovery issues; met and conferred with third parties about subpoena responses; responded to written discovery; and collected, reviewed, and produced additional documents and models. Details about these efforts are set forth below in Section II. In addition to conducting discovery, Georgia filed on May 1, 2015, a Supplemental Brief in Support of its Motion to Dismiss for Failure to Join a Required Party.

## **II. STATUS OF GEORGIA'S DISCOVERY EFFORTS**

### **A. Georgia Has Met and Conferred with Florida on Discovery Issues.**

The States continue to meet and confer regularly and have worked together on a number of discovery issues including:

- Conducting multiple, joint follow-up meet-and-confer calls with federal agencies—including the United States Department of Agriculture, the United States Geological Survey, the United States Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the Army Corps of Engineers—about *Touhy* requests and subpoenas. The States continue to work with federal agencies to address concerns such as production timing, confidentiality, and prioritizing and narrowing the scope of joint requests where possible;
- Resolving technical issues related to models and databases that have been produced;
- Drafting a Non-Disclosure Agreement for handling confidential documents and materials under Case Management Plan Section 10.1.

### **B. Georgia Has Responded to Florida's Written Discovery.**

Georgia served its objections to Florida's Second Set of Interrogatories on April 13, 2015, and its Responses to Florida's Second Set of Interrogatories on April 27, 2015.

### **C. Georgia Has Met and Conferred with Third Parties Regarding Collection and Production of Documents.**

Georgia has contacted third parties it subpoenaed and has engaged in productive discussions with them. Georgia continues to work with third parties to clarify or narrow the scope of its subpoenas when possible in an effort to obtain responsive documents without imposing unnecessary burdens. Additionally, as mentioned above, Georgia and Florida continue to meet and confer with the federal agencies upon whom they jointly served *Touhy* requests and subpoenas.

**D. Georgia Has Produced and Will Continue to Produce Documents and Data to Florida.**

On April 30, 2015, Georgia served its seventh production, which included 3 native models. On April 30, 2015, Georgia also produced more than 45,000 pages of documents it received from third parties in response to its subpoenas. On May 1, 2015, Georgia served its eighth production of documents responsive to Florida's First and Second Requests for Production. The production included more than 130,000 pages of documents.

Georgia's large-scale document review continues, with almost 40 attorneys dedicated solely to document review. Georgia will continue to review the documents it has collected from its own custodians, as well as those produced by Florida and by third parties. Georgia will continue to produce additional documents, data, and models on a rolling basis.

**III. ANTICIPATED DISCOVERY**

Georgia anticipates conducting the following discovery in the next month:

- Producing to Florida additional models, databases, and documents on a rolling basis;
- Supplementing Georgia's Responses to Florida's First Set of Interrogatories.

**IV. EFFORTS TOWARDS RESOLUTION**

Since the last status conference, the Special Master entered Case Management Order No. 8 to facilitate and protect the confidentiality of settlement negotiations.

**V. UNRESOLVED DISPUTES AND OTHER CONCERNS**

**A. Timeline of Expert Discovery**

As explained in an April 30, 2015 letter, the States have requested an adjustment of deposition and expert-related deadlines commensurate with the 120-day extension for written discovery the Special Master provided in Case Management Order No. 7. Aligning fact depositions and expert discovery with the written-discovery schedule will allow the parties to

focus on reviewing and producing documents, databases, and models, and will also ensure that depositions and expert reports are based on a fully-developed factual record.

Dated: May 1, 2015

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**CERTIFICATE OF SERVICE**

This is to certify that the MAY 1, 2015 STATUS REPORT OF THE STATE OF GEORGIA has been served on this 1st day of May 2015, in the manner specified below:

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