

SUPREME COURT OF THE UNITED STATES  
No. 142, Original

STATE OF FLORIDA, )  
 )  
Plaintiff, )  
 )  
V. )  
 )  
STATE OF GEORGIA, )  
 )  
Defendants. )

TELEPHONE CONFERENCE before SPECIAL MASTER  
RALPH I. LANCASTER, held at the law offices of Pierce  
Atwood, LLP, at Merrill's Wharf, 254 Commercial Street,  
Portland, Maine, on November 10, 2015, commencing at  
10:00 a.m., before Claudette G. Mason, RMR, CRR, a  
Notary Public in and for the State of Maine.

APPEARANCES:  
For the State of Florida: PHILIP J. PERRY, ESQ.  
ALLEN C. WINSOR, ESQ.  
OSVALDO VAZQUEZ, ESQ.  
JOHN S. COOPER, ESQ.  
ABID R. QURESHI, ESQ.  
  
For the State of Georgia: K. WINN ALLEN, ESQ.  
BRITT GRANT, ESQ.  
SARAH HAWKINS WARREN, ESQ.  
DEVORA W. ALLON, ESQ.  
  
For the U.S.A.: MICHAEL T. GRAY, ESQ.  
Also Present: JOSHUA D. DUNLAP, ESQ.  
MARY CLIFFORD

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1 believe we have Britt Grant from the  
2 Florida -- from the Georgia Solicitor  
3 General's Office as well as Sarah Warren from  
4 the Georgia Solicitor General's Office. I  
5 think that's it for Georgia.  
6 MS. GRANT: Yes, your Honor; that's  
7 correct.  
8 SPECIAL MASTER LANCASTER: And will you  
9 be the principal speaker?  
10 MR. ALLEN: Yes, your Honor; I will.  
11 SPECIAL MASTER LANCASTER: United  
12 States?  
13 MR. GRAY: Good morning, your Honor.  
14 This is Michael Gray for the United States.  
15 SPECIAL MASTER LANCASTER: Good morning,  
16 Mr. Gray. From my review of the progress  
17 reports, I doubt that there is anything that  
18 the United States will want to comment on;  
19 but I'm not -- while I'm not going to call on  
20 you directly, if you have anything that you  
21 want to comment on, please feel free to do  
22 so. Okay?  
23 MR. GRAY: Yes. Thank you.  
24 MR. ALLEN: Your Honor, I -- this is  
25 Mr. Allen, again, from Kirkland. I neglected  
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PROCEEDINGS

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3 SPECIAL MASTER LANCASTER: Good morning,  
4 counsel.  
5 MR. PERRY: Good morning, your Honor.  
6 MR. ALLEN: Your Honor.  
7 MS. GRANT: Your Honor.  
8 SPECIAL MASTER LANCASTER: Let's start.  
9 We have Josh Dunlap, case manager; Mary  
10 Clifford, legal assistant; and as fortunate  
11 as we can be, we have Claudette here this  
12 morning.  
13 Let's start with appearances. Florida?  
14 MR. PERRY: Your Honor, this is Phil  
15 Perry for Florida. And on the phone are  
16 Allen Winsor, Os Vazquez, John Cooper, and  
17 Abid Qureshi.  
18 SPECIAL MASTER LANCASTER: And,  
19 Mr. Perry, will you be the principal speaker?  
20 MR. PERRY: I will, your Honor.  
21 SPECIAL MASTER LANCASTER: Thank you.  
22 Georgia?  
23 MR. ALLEN: Good morning, your Honor.  
24 This is Winn Allen on behalf of Georgia from  
25 Kirkland & Ellis. On the phone with me I  
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1 to mention one of my colleagues who is also  
2 on the phone. Devora Allon is also on. I  
3 just wanted to put that on the record.  
4 SPECIAL MASTER LANCASTER: Thank you  
5 very much.  
6 Well, let's begin by asking; today is  
7 the last day for production of document  
8 requests. Is that complete, Georgia?  
9 MR. ALLEN: Your Honor, we expect to  
10 make our final production today. And that  
11 will be -- that will complete our document  
12 production in the case. So for our -- from  
13 our perspective, it will be done.  
14 We have also received correspondence  
15 from the State of Florida letting us know  
16 that they're going to be producing 570,000  
17 pages of documents today. And I'll let  
18 Mr. Perry speak as to whether that completes  
19 their production.  
20 SPECIAL MASTER LANCASTER: Mr. Perry?  
21 MR. PERRY: Our document production will  
22 be complete today, your Honor.  
23 SPECIAL MASTER LANCASTER: Thank you  
24 very much.  
25 Now, the progress reports indicate that  
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<p>1 there is a dispute or has been a dispute 2 regarding production of professors' e-mails. 3 How many professors' e-mails are at issue, 4 Florida? 5 MR. PERRY: Your Honor, currently the 6 principal professor is Professor Georgakakos 7 from Georgia Tech. There are two others. 8 One is retired, Professor Hook; and then 9 Professor Masters, I believe, from Albany 10 State University. I don't believe that any 11 of those three issues are yet ripe for 12 decision by the Court under the terms of the 13 Case Management Plan, but it's our desire to 14 move very quickly forward on those. 15 We are still awaiting production from 16 Albany State University, so we're not yet 17 sure for Mr. Masters; and we may have some 18 doubts as to Professor Hook as well. But as 19 to Dr. Georgakakos, we believe that a meet 20 and confer tomorrow or the next day ought to 21 make that mature for any resolution we may 22 need from the Court. 23 SPECIAL MASTER LANCASTER: Georgia? 24 MR. ALLEN: Your Honor, yes. We'll meet 25 and confer with Florida with regard to the THE REPORTING GROUP Mason &amp; Lockhart</p>	<p>1 SPECIAL MASTER LANCASTER: Yes, please. 2 MR. PERRY: I apologize. 3 If I might respond briefly, it's 4 our desire to narrow the issues for 5 Dr. Georgakakos; so it's not anything like 6 the burden that Mr. Allen has identified. 7 And that is indeed something we started to do 8 and have done to some large extent already. 9 But that's the purpose of the meet and confer 10 this week in our opinion. 11 SPECIAL MASTER LANCASTER: Thank you. 12 With regard to other written discovery, 13 what's the status regarding Florida's written 14 discovery responses as to harm? Georgia? 15 MR. ALLEN: Your Honor, regarding 16 Florida's written discovery responses, we 17 have had some back and forth with Florida 18 over the past couple months. Florida 19 supplemented once, I believe, a few months 20 ago; and Georgia continued to believe that 21 those supplements were inadequate. 22 We received from Florida new discovery 23 responses last night, pretty late last night, 24 as well as some supplements to some earlier 25 discovery responses that were made. To be THE REPORTING GROUP Mason &amp; Lockhart</p>
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<p>1 professors' e-mails. I will say that for us, 2 we're going to continue to discuss this with 3 Florida; but this presents a different issue 4 from the -- from the e-mail issue you might 5 remember regarding Dr. Kistenmacher. He 6 identified a specific folder of documents. 7 For these three professors, in particular for 8 Dr. Georgakakos, there's a much, much larger 9 volume of e-mails. In the case of 10 Dr. Georgakakos, I believe it's at least -- 11 there are somewhere over 20,000 e-mails. So 12 from Georgia's perspective, it presents a 13 much more significant burden issue this late 14 in the production, particularly given the 15 history of, you know, we thought this issue 16 had been resolved six months ago. 17 But as Mr. Perry says, we're continuing 18 to meet and confer and discuss this with 19 Florida; and we're happy to do that over this 20 week if we can. But it's a much more 21 significant burden issue than was the case 22 with respect to Dr. Kistenmacher. 23 SPECIAL MASTER LANCASTER: Thank you. 24 MR. PERRY: Your Honor, if I might 25 respond? THE REPORTING GROUP Mason &amp; Lockhart</p>	<p>1 honest with you, we just got them late last 2 night; so we're still in the process of 3 reviewing them. 4 I know our position before last night 5 was that the interrogatory responses we 6 received to date were not at all sufficient 7 with respect to specifically identifying the 8 specific injury that Florida is claiming in 9 this case which, again, we think is a very, 10 very important issue both because proving a 11 real and substantial injury that's caused by 12 Georgia in some fashion is a threshold issue 13 that we think is very important. 14 So before last night we would have taken 15 the position that Florida's written 16 interrogatory responses to date were not 17 sufficient on that issue. But, again, we 18 received a lot of interrogatory responses 19 last night; and I don't want to prejudge 20 that. Let me take some time and look at it, 21 and we'll discuss it with Florida. 22 SPECIAL MASTER LANCASTER: Mr. Perry? 23 MR. PERRY: Your Honor, if I might 24 address that briefly. 25 Before last night we had three rounds of THE REPORTING GROUP Mason &amp; Lockhart</p>

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1 supplemental interrogatory responses on the  
 2 harm that is being suffered and will be  
 3 suffered by Florida. And in those responses,  
 4 we identified more than 300 pages -- 300  
 5 separate reports and data sets identifying  
 6 harm to species in the river and in the bay.  
 7 Last night, we identified through more than  
 8 100 pages of interrogatory responses  
 9 additional details. And collectively between  
 10 those various efforts we now have something  
 11 like 400 reports and data sets. We have  
 12 identified oysters, six types of crayfish,  
 13 various mussel types, dozens of species of  
 14 freshwater and estuarine fish, many types of  
 15 estuarine phytoplankton, zooplankton, various  
 16 types of crabs and shrimp, amphibians,  
 17 reptiles, and birds, all that are impacted by  
 18 the reduced flows caused by Georgia's  
 19 upstream consumption.  
 20 It's our position that we had more than  
 21 satisfied the interrogatories prior to this  
 22 production last night of new interrogatory  
 23 responses. But I think at this point, it's  
 24 going to be hard to say that we have not  
 25 reasonably disclosed all of our contentions,  
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1 to discuss these issues -- to take deposition  
 2 testimony from Florida witnesses on this  
 3 issue.  
 4 And I think you have seen from our  
 5 status report that Florida has objected to  
 6 putting up a witness on the harm that might  
 7 be suffered by animal and plant species, by  
 8 economic -- what economic injury it suffered,  
 9 what sociological injury it suffered. We do  
 10 think it's very important that there be a  
 11 30(b)(6) witness from the State of Florida  
 12 who will testify to these injuries and that  
 13 Georgia not be limited to interrogatory  
 14 responses on this.  
 15 So I just want to raise that and say  
 16 that we do intend to push for an  
 17 interrogatory -- for a 30(b)(6) witness on  
 18 injury issues. I understand that from a  
 19 conversation one of my colleagues had last  
 20 night with Mr. Perry that Florida is willing  
 21 to meet and confer on that; but we very, very  
 22 much hope that Florida would reconsider its  
 23 objections on the 30(b)(6) issue so that we  
 24 can take a deposition of relevant fact  
 25 witnesses on this issue.  
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1 your Honor.  
 2 MR. ALLEN: Your Honor, if I might just  
 3 respond briefly?  
 4 SPECIAL MASTER LANCASTER: Yes, please.  
 5 MR. ALLEN: Just two responses that  
 6 Florida has cited a lot of articles in their  
 7 interrogatories, many of which aren't  
 8 specific to the Apalachicola region; they  
 9 just deal with general issues with respect to  
 10 certain species. And it's our position that  
 11 you can't just cite a bunch of articles on  
 12 general issues and then say, our injury is in  
 13 there; you know, go find it somewhere. We  
 14 think that much more specificity is required  
 15 so that we can conduct, if necessary, fact  
 16 discovery and also retain the necessary  
 17 experts to really drill down on what specific  
 18 issues Florida is alleging.  
 19 And the second issue, I think, your  
 20 Honor, is that I know your question was  
 21 specific to written discovery; but Georgia  
 22 does feel very strongly that Florida also has  
 23 an obligation to put up a 30(b)(6) witness on  
 24 this issue, on the issues of what injury it's  
 25 suffering. And we served the 30(b)(6) notice  
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1 SPECIAL MASTER LANCASTER: Mr. Perry?  
 2 MR. PERRY: Your Honor, I think we see  
 3 the 30(b)(6) point a little bit differently  
 4 than Mr. Allen does. It's not our position  
 5 that we won't produce any 30(b)(6) witness.  
 6 It hasn't been our position that we won't.  
 7 Instead, our position is that the type of  
 8 specifications you have under 30(b)(6) are so  
 9 broad and nonspecific that they pose two very  
 10 different but related types of problems.  
 11 First, you're essentially -- and I  
 12 should say I mean by you're, Georgia is  
 13 asking for premature expert testimony,  
 14 conclusions based on data and reports and  
 15 data sets and specific information by our  
 16 experts about exactly how all the species are  
 17 identified, are being harmed, how economic  
 18 issues are implicated, and all those sorts of  
 19 things.  
 20 Second, there's just a practical problem  
 21 here. And it's -- it's that the  
 22 specifications are so broad that Georgia is  
 23 in some respects essentially asking us to put  
 24 up a 30(b)(6) witness on, you know, 400  
 25 studies and other significant volume of  
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<p style="text-align: center;">13</p> <p>1 information. It would be like asking for a 2 single 30(b)(6) witness on volumes A through 3 C of <i>Encyclopedia Britannica</i>. 4 We think there is a way to work through 5 that. We think there is a way to narrow 6 these issues so they're specific and factual 7 and that Georgia can get the type of witness 8 it needs. I'll add that it already has, I 9 believe, something like 42 noticed 10 depositions at this stage, and a number of 11 the witnesses they have noticed will have 12 relevant information. But more than that, 13 there are a line of federal cases, several of 14 them, that say essentially that in certain 15 circumstances, a party may properly restrict 16 a Rule 30(b)(6) deposition on the grounds 17 that information -- the information sought is 18 more appropriately discoverable through 19 contention interrogatories. 20 Now, as I say, we're not taking the 21 position that no 30(b)(6) witness will be 22 made available. We're asking Georgia to 23 consider the implications for premature 24 expert disclosure and the implications that 25 arise just from the practical question of how</p> <p style="text-align: center;">THE REPORTING GROUP Mason &amp; Lockhart</p>	<p style="text-align: center;">15</p> <p>1 We're entitled to probe that through a 2 30(b)(6) deposition. 3 The second point, your Honor, is it 4 isn't some, like, difficult issue that 5 Florida can't wrap its head around. I mean, 6 there are entire agencies in Florida that are 7 focused on species and animals and things of 8 that nature. So this is things that 9 employees in Florida do as part of their 10 regular job is they presumably -- and I 11 believe this is true -- that they monitor 12 species in the Apalachicola region and have 13 an understanding as to what might be harming 14 them or what might not be harming them. 15 We're actually asking for factual 16 testimony on that. And I don't think it's 17 overbroad to say identify for us the animal 18 and plant species you think are being harmed. 19 Identify for us what economic injury you 20 think you're suffering. 21 I understand that there might be some 22 expert testimony components to that. There 23 is also certainly factual parts of that and 24 factual testimony that's part of that and 25 factual facts that form the basis of that</p> <p style="text-align: center;">THE REPORTING GROUP Mason &amp; Lockhart</p>
<p style="text-align: center;">14</p> <p>1 can we possibly have somebody testify about 2 the breadth of information at issue here? 3 Ultimately when we disclose, according 4 to the Court's schedule, our experts, they 5 will rely on the type of information we have 6 supplied to Georgia. They will analyze it. 7 They will present conclusions based on it. 8 But we think that there's a way to solve 9 Georgia's problem without particularly 10 implicating the concerns I addressed. And 11 that is indeed what we would like to confer 12 on this week. 13 SPECIAL MASTER LANCASTER: Georgia? 14 MR. ALLEN: Your Honor, if I might? 15 SPECIAL MASTER LANCASTER: Please. 16 MR. ALLEN: If I may respond? 17 Just a couple responses. First of all, 18 we're not seeking expert testimony on this. 19 We're seeking factual issues and the factual 20 bases for the harm that Florida is alleging. 21 I mean, Florida is the one who brought suit 22 against Georgia. They must have some factual 23 bases for having done that and some factual 24 bases for why they believe they're being 25 harmed by Georgia's upstream water usage.</p> <p style="text-align: center;">THE REPORTING GROUP Mason &amp; Lockhart</p>	<p style="text-align: center;">16</p> <p>1 expert testimony. And we're entitled as a 2 defendant in a case that's been brought 3 against us to take discovery on that. 4 So we're going to meet and confer with 5 Florida on the 30(b)(6) issue. Happy to do 6 that and see if we can reach a compromise 7 here. But Georgia does view this as a very, 8 very important issue that we felt necessary 9 to raise sooner rather than later. 10 SPECIAL MASTER LANCASTER: Mr. Perry? 11 MR. PERRY: Well, I think we can reach 12 an agreement as to the factual predicate for 13 some of their requests through a meet and 14 confer process. So I'm happy to hear 15 Mr. Allen focus his comments on that, and I 16 hope we can make progress this week on that 17 and other issues. 18 SPECIAL MASTER LANCASTER: Counsel, do 19 you anticipate scheduling additional 20 depositions promptly now that the document 21 production will be complete as of midnight 22 tonight? 23 MR. ALLEN: Your Honor, this is 24 Mr. Allen. We anticipate -- we have been 25 working very hard to schedule depositions.</p> <p style="text-align: center;">THE REPORTING GROUP Mason &amp; Lockhart</p>

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1 With a large number of depositions, there is  
 2 obviously a lot of coordination that has to  
 3 go on between witness availability and  
 4 counsel availability. But we anticipate  
 5 expeditiously moving forward with scheduling  
 6 any and all remaining depositions that we can  
 7 in the next week or the next two weeks.  
 8 That's something we very much want to --  
 9 there's a number on the schedule now; but we  
 10 want to get as many as we can scheduled as  
 11 soon as possible and work with Florida to  
 12 schedule whatever depositions they might want  
 13 to get scheduled as well.  
 14 SPECIAL MASTER LANCASTER: Mr. Perry?  
 15 MR. PERRY: Your Honor, we had the same  
 16 approach. I will say that the availability  
 17 of Dr. Georgakakos's and the other two  
 18 gentlemen's e-mail are important to us in  
 19 making progress on our depositions; but we  
 20 are indeed trying to move as quickly as we  
 21 possibly can. Hopefully, we can resolve some  
 22 of these issues at the meet and confer this  
 23 week.  
 24 Also, I note, if I might -- I know it  
 25 may be a little premature; but in the  
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1 interest of full disclosure, since Georgia  
 2 put on the table its interrogatory responses  
 3 last night, we have noted that they declined  
 4 to answer a few of the interrogatories. And  
 5 I think the principal reason is they don't  
 6 believe that some of the issues we're probing  
 7 are relevant to the case. That may be the  
 8 subject of our meet and confer this week as  
 9 well, and I'm hoping to resolve that issue  
 10 quickly.  
 11 SPECIAL MASTER LANCASTER: Mr. Allen, do  
 12 you want to respond to that last comment?  
 13 MR. ALLEN: Yes, your Honor, I do.  
 14 Like I said, I don't recall, sitting  
 15 here right now, us declining to respond  
 16 because something is not relevant. I recall  
 17 us declining to respond on one interrogatory  
 18 because it was completely duplicative of one  
 19 that had been served earlier. I recall us  
 20 having some -- some trouble understanding  
 21 what it was that Florida was asking in  
 22 another interrogatory. But sitting here  
 23 today, I don't recall us responding because  
 24 we didn't think something was relevant; but I  
 25 could be wrong. I just don't remember that.  
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1 We're happy to meet and confer with  
 2 Florida again. They were just served  
 3 yesterday. So if Florida has concerns about  
 4 the responses, they can raise them; and we'll  
 5 do the same for the responses we received  
 6 from Florida last night. We'll review them.  
 7 And if we have concerns, we'll raise them  
 8 with counsel for Florida.  
 9 (Discussion off the record.)  
 10 SPECIAL MASTER LANCASTER: Just a  
 11 minute, please.  
 12 MR. PERRY: I apologize. My fault.  
 13 SPECIAL MASTER LANCASTER: Okay. Let's  
 14 go ahead now and give those numbers slowly.  
 15 MR. PERRY: I will, your Honor. I  
 16 apologize for moving quickly.  
 17 SPECIAL MASTER LANCASTER: This is  
 18 Mr. Perry?  
 19 MR. PERRY: That's right. Mr. Perry for  
 20 Florida.  
 21 Nos. 28, 29, 31, 41, and 42.  
 22 SPECIAL MASTER LANCASTER: Thank you.  
 23 MR. PERRY: Thank you.  
 24 SPECIAL MASTER LANCASTER: Let me turn  
 25 now to third parties. Are there any  
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1 outstanding concerns regarding the response  
 2 of the U.S. agencies, the Touhy requests?  
 3 Florida?  
 4 MR. PERRY: Your Honor, we think the  
 5 United States has produced most of the  
 6 documents that we have sought. There may be  
 7 a few odds and ends still to discuss with the  
 8 United States. And I think we want to  
 9 discuss with them further the depositions we  
 10 have had in mind.  
 11 I note that we may be making progress on  
 12 at least some of them, but it requires some  
 13 additional conversation. And that's  
 14 something that we put a high priority on and  
 15 are likely to pursue in the next week.  
 16 SPECIAL MASTER LANCASTER: Mr. Allen?  
 17 MR. ALLEN: Your Honor, yes. All I know  
 18 about is that we're trying to schedule the  
 19 depositions. I don't believe we have any  
 20 outstanding document production concerns from  
 21 the U.S. agencies. I believe we're just  
 22 scheduling depositions.  
 23 SPECIAL MASTER LANCASTER: How about  
 24 outstanding concerns regarding other third  
 25 parties? Florida?  
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1 MR. PERRY: Well, yes, your Honor.  
 2 There is a subpoena to Black & Veatch. And  
 3 they have produced a wide range of documents  
 4 to us, but not specific e-mails of the type  
 5 we have identified in our status report -- in  
 6 fact, multiple status reports. Atkins, I  
 7 believe, is still going to produce documents  
 8 to us. And we're awaiting those.  
 9 So there may be some issues that we may  
 10 need judicial assistance with. I'm not  
 11 certain we do though. We may be able to get  
 12 what we need from both of those parties, and  
 13 so it may be premature to identify that as a  
 14 genuine problem.  
 15 SPECIAL MASTER LANCASTER: Mr. Allen?  
 16 MR. ALLEN: Your Honor, Georgia, I'm  
 17 pretty sure, has no outstanding issues with  
 18 third parties regarding other issues.  
 19 SPECIAL MASTER LANCASTER: Thank you  
 20 both.  
 21 Let me just ask -- well, before I turn  
 22 to some final things here, is there anything  
 23 else that you want to raise, Mr. Perry?  
 24 MR. PERRY: If I might, your Honor, I  
 25 would note Georgia's point at the end of its  
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1 status report about the prospect of  
 2 mediation. And I will say that we agree that  
 3 it could be helpful to us and to Georgia in  
 4 particular if our discussions on a potential  
 5 settlement could be officiated by a sharp and  
 6 effective mediator. Our concern is that it  
 7 may take that type of help to actually make  
 8 progress. And so we welcome that suggestion.  
 9 And I called Georgia's counsel yesterday to  
 10 begin the process of identifying such a  
 11 person.  
 12 And, your Honor, if you have suggestions  
 13 or advice for us on that, we would be very  
 14 happy to take your advice and follow through.  
 15 SPECIAL MASTER LANCASTER: Well, let me  
 16 say, before I ask Georgia to respond, that I  
 17 was pleased to see the word, quote,  
 18 settlement, unquote, in one of the progress  
 19 reports and the suggestion of mediation. I  
 20 think that came from Georgia. Am I correct?  
 21 MR. ALLEN: You are correct, your Honor.  
 22 SPECIAL MASTER LANCASTER: And I now  
 23 understand that Florida would entertain  
 24 mediation as well?  
 25 MR. PERRY: Yes, your Honor.  
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1 SPECIAL MASTER LANCASTER: Well, I think  
 2 the process of selecting a mediator depends  
 3 upon a number of things. First of all, I  
 4 think you need to decide whether you want  
 5 someone who is an expert in water law or  
 6 someone who knows nothing about water law. I  
 7 think that the -- at first the two states  
 8 should get together, as you're planning to  
 9 do, and see if you can agree on the form of  
 10 mediation, No. 1; No. 2, on a specific  
 11 mediator.  
 12 If you want me involved in that process,  
 13 I'm happy to get involved. But I think it's  
 14 better if the two states can agree between  
 15 themselves.  
 16 I can make suggestions for mediators,  
 17 but I prefer not to for obvious reasons. I  
 18 think the selection process is important --  
 19 very important; but I'm delighted, and I  
 20 can't overemphasize the fact that I'm  
 21 delighted to see both the word "settlement"  
 22 and the word "mediator" in the reports and to  
 23 know that you're moving towards that process  
 24 because, frankly, your persistent refusal to  
 25 narrow the scope of this litigation is going  
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1 to result in astonishing expenses to the  
 2 states' taxpayers. And as I have said from  
 3 the start, if there's anything, any way at  
 4 all -- any way at all -- that this can be  
 5 settled, it ought to be done.  
 6 So thank you both for making that, and I  
 7 hope that your -- that attempt; and I hope  
 8 that your meet and confer will be effective.  
 9 And I look forward to hearing further on it.  
 10 Now, let me say a couple of things in  
 11 closing. First of all, somewhere in here  
 12 there was a reference to one side or the  
 13 other using speaking objections, which I  
 14 understand from my litigation experience to  
 15 mean that the attorney was suggesting an  
 16 answer to the witness. Let me just tell you  
 17 that I think that is abhorrent. It's a  
 18 practice that I think is terrible, and I  
 19 can't believe that experienced and competent  
 20 as counsel are in this case, that it's  
 21 actually happening. But let me just warn you  
 22 that if it is happening and if it ever gets  
 23 brought to my attention, there will be  
 24 consequences that will flow from it or  
 25 because of it.  
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1 The last thing I would add is that --  
 2 and this is overly simplistic; so you will  
 3 forgive me. But as I read through these  
 4 progress reports, it appears to me that the  
 5 meet and confer sessions which you are  
 6 holding and which I applaud come up with  
 7 different results and different memories from  
 8 the participants. So let me make, again, a  
 9 very simplistic suggestion. I suggest that  
 10 when you have a meet and confer, you have  
 11 someone taking notes, and that when you're  
 12 finished, you have them read aloud and then  
 13 incorporated in an e-mail. That way when I  
 14 get the next progress reports, there won't be  
 15 suggestions that this one said this and this  
 16 one said that; and we don't agree on what we  
 17 said.

18 Now, again, that's just Lancaster's  
 19 simplistic suggestion. You don't have to  
 20 follow it. But I think it will resolve some  
 21 of the difficulties if you do.

22 Anything else? Florida?

23 MR. PERRY: No, your Honor.

24 SPECIAL MASTER LANCASTER: Georgia?

25 MR. ALLEN: No, your Honor. Thank you

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1 CERTIFICATE  
 2 I, Claudette G. Mason, a Notary Public  
 3 in and for the State of Maine, hereby certify  
 4 that the foregoing 26 pages are a correct  
 5 transcript of my stenographic notes of the  
 6 above-captioned proceedings.

7 I further certify that I am a  
 8 disinterested person in the event or outcome  
 9 of the above-named cause of action.

10 IN WITNESS WHEREOF, I subscribe my hand  
 11 this 12th day of November, 2015.

12  
 13  
 14 \_\_\_\_\_  
 15 Notary Public

16  
 17  
 18 My Commission Expires  
 19 June 9, 2019.

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 22  
 23  
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1 very much for your time.  
 2 SPECIAL MASTER LANCASTER: Josh?  
 3 MR. DUNLAP: Nothing.  
 4 SPECIAL MASTER LANCASTER: Okay. Thank  
 5 you very much, counsel. We appreciate your  
 6 help.

7 MR. PERRY: Thank you.

8 MR. ALLEN: Thank you.

9 (The telephone conference was concluded  
 10 at 10:25 a.m.)

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