

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 February 9, 2016, 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.
JONATHAN L. WILLIAMS, ESQ.

For the State of Georgia: CRAIG S. PRIMIS, ESQ.
K. WINN ALLEN, ESQ.
DEVORA W. ALLON, ESQ.
BRITT GRANT, ESQ.

For the U.S.A.: MICHAEL T. GRAY, ESQ.
Also Present: JOSHUA D. DUNLAP, ESQ.
MARY CLIFFORD

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1 SPECIAL MASTER LANCASTER: United
2 States?
3 MR. GRAY: Good morning, your Honor.
4 This is Michael Gray for the United States.
5 SPECIAL MASTER LANCASTER: Welcome,
6 gentlemen and ladies.
7 Do you have anything to add to your
8 status reports? Florida?
9 MR. PERRY: No, your Honor.
10 SPECIAL MASTER LANCASTER: Georgia?
11 MR. PRIMIS: No, your Honor.
12 SPECIAL MASTER LANCASTER: Well, let me
13 begin by thanking counsel for their
14 cooperative efforts to resolve the disputes.
15 I'm delighted that you're working so hard to
16 resolve this matter.
17 I want to call your attention to the
18 fact that the factual discovery will end on
19 the 29th of this month and that, barring some
20 major catastrophe, there won't be any
21 extensions.
22 Now, let me turn to my favorite topic,
23 mediation and settlement. And, again, I
24 remind you that this is going to be on the
25 record. So be cautious in what you have to
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1 PROCEEDINGS
2 SPECIAL MASTER LANCASTER: Good morning,
3 counsel.
4 MR. PERRY: Good morning, your Honor.
5 MR. PRIMIS: Good morning.
6 MS. GRANT: Good morning, your Honor.
7 SPECIAL MASTER LANCASTER: We have the
8 usual crew here, Dunlap, Clifford, and our
9 illustrious court reporter Claudette Mason.
10 We'll begin, as we always do, with
11 appearances. Florida?
12 MR. PERRY: Your Honor, it's Philip
13 Perry from Latham & Watkins for Florida.
14 With me on the phone call I believe are Allen
15 Winsor and Jonathan Williams, also of
16 Florida.
17 SPECIAL MASTER LANCASTER: Thank you,
18 Mr. Perry.
19 Georgia?
20 MR. PRIMIS: Good morning, your Honor.
21 This is Craig Primis from Kirkland & Ellis
22 for Georgia. I have my colleagues Winn Allen
23 and Devora Allon on the line; and Britt
24 Grant, the Solicitor General of Georgia, is
25 also on the line.
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1 say.
2 Florida?
3 MR. PERRY: Well, your Honor, we feel
4 that working with Georgia's counsel we have
5 made steps towards a mediation process that
6 is genuine and an earnest effort to see if we
7 can break the deadlock that's prevented
8 settlement of these issues for so many years.
9 It's too early to say what the likelihood of
10 success is, of course. And, of course, we
11 have agreed with the sentiment you just
12 expressed that this is best likely to succeed
13 if it remains confidential.
14 So as indicated in our report, we think
15 things are moving along; and we hope for
16 success. But, of course, we are looking at
17 it with a dose of reality from the history of
18 these matters.
19 SPECIAL MASTER LANCASTER: Thank you.
20 Georgia?
21 MR. PRIMIS: Yes, your Honor. Craig
22 Primis for Georgia.
23 I agree with Mr. Perry. We have set up
24 what we believe is an effective process with
25 a number of touch points with the mediator
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1 and scheduled mediation with all parties
 2 involved. And so between the periodic touch
 3 points with the mediator, the written
 4 submissions that we're planning, and our
 5 scheduled all-hands meeting, we believe it is
 6 a good process that's been set up; and we are
 7 looking forward to participating in it.
 8 SPECIAL MASTER LANCASTER: Thank you.
 9 I noted, Mr. Primis, in your report you
 10 held an initial conference with the mediator.
 11 Let me suggest to you that there are --
 12 whatever you do, you ought to be moving the
 13 matter along. I'll remind you of the
 14 deadlines that you will find and be aware of
 15 in the CMP. I'm sure I don't have to keep
 16 reminding you of that, but I would urge you
 17 to move the matter along as rapidly as
 18 possible.
 19 MR. PRIMIS: Understood, your Honor.
 20 SPECIAL MASTER LANCASTER: I'm also
 21 aware of the fact that from your reports that
 22 Florida says it's produced over 4 million
 23 pages of documents, several hundred gigabytes
 24 of electronic files. Georgia has produced
 25 over 450,000 pages of e-mails and

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1 attachments. I applaud your thoroughness;
 2 but let me assure you that, again, that the
 3 Court is never going to look at any and all
 4 those documents, nor am I. So the more you
 5 can do to winnow those down, the better off
 6 you're going to be.
 7 Is there anything else that counsel wish
 8 to discuss today? Florida?
 9 MR. PERRY: Your Honor, we're certainly
 10 prepared to discuss the issues that Georgia
 11 identified in their status report. I don't
 12 know that it's necessary. We have various
 13 disagreements with what they have said, but I
 14 don't think anything requires a resolution by
 15 the Court at this time.
 16 SPECIAL MASTER LANCASTER: Georgia?
 17 MR. PRIMIS: Same thing, your Honor. I
 18 don't know that -- it's clear the parties
 19 have some areas of disagreement that they're
 20 working on as we sprint toward the finish
 21 line here; but I don't know that it warrants
 22 further discussion beyond what's in the
 23 papers.
 24 SPECIAL MASTER LANCASTER: I applaud
 25 your use of the word "sprint".

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1 Thank you very much.
 2 Josh, anything else?
 3 MR. DUNLAP: Nothing.
 4 SPECIAL MASTER LANCASTER: Thank you.
 5 Counsel?
 6 MR. PERRY: Thank you, your Honor.
 7 MR. PRIMIS: Thank you, your Honor.
 8 MS. GRANT: Thank you, your Honor.
 9 (The telephone conference was concluded
 10 at 10:06 a.m.)
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CERTIFICATE

1 I, Claudette G. Mason, a Notary Public
 2 in and for the State of Maine, hereby certify
 3 that the foregoing 7 pages are a correct
 4 transcript of my stenographic notes of the
 5 above-captioned proceedings.
 6
 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 11th day of February, 2016.
 12
 13
 14
 15 _____
 16 Notary Public
 17
 18 My Commission Expires
 19 June 9, 2019.
 20
 21
 22
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