

**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

**STATUS REPORT OF THE STATE OF GEORGIA
MAY 6, 2016**

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

I. MEDIATION

Georgia continues to devote substantial time and resources to finding a negotiated resolution through mediation. To date, Georgia and Florida have participated in two, 8-hour, in-person mediation sessions. Since the last status report, the parties have exchanged written settlement proposals and have discussed those proposals with each other and with the mediator. Senior Georgia officials, including officials from the Governor's office, the Attorney General's office, and Georgia's Environmental Protection Division, were present at the mediation sessions and have been deeply involved in evaluating the parties' respective proposals. The parties are planning to exchange additional settlement proposals in the coming weeks and have scheduled a

third in-person mediation session in June and are in the process of scheduling an additional mediation session in July. Georgia will continue to commit substantial resources to developing solutions that could help the parties resolve their dispute.

II. EXPERT DISCOVERY

In the last month, Georgia has continued to review Florida's expert reports and to prepare its own defensive expert reports, which will be served on May 20, 2016. *See* Case Management Order No. 17. Although Georgia has run into several issues using and interpreting the reliance materials produced with Florida's reports, the parties have cooperated to resolve these issues and Georgia is hopeful that no further problems will impede its review of Florida's reports.

Georgia is concerned about Florida's willingness to schedule expert depositions. From the beginning, Georgia attempted to schedule expert depositions in a manner that would have spread them throughout the remaining discovery period. Specifically, Georgia requested that 6 of the 20 depositions of Florida experts be scheduled in April or early May. Yet with the exception of one deposition, Florida did not accommodate Georgia's requests. Instead, Florida has consistently offered dates in either late May or, more often, June, allowing barely a month and a half for Georgia to depose the majority of Florida's experts.¹

For its part, Georgia produced its offensive expert witness for deposition on May 4-5, 2016. With the bulk of Georgia's reports due on May 20, Florida's insistence on scheduling most of its experts' depositions in late May and June will mean that the majority of *all* expert depositions will fall during the last 40 days of discovery instead of being spread across April, May, and June. Georgia has raised the concern that this will likely pose scheduling issues with Florida, but Florida continues to offer most of its witnesses for June dates.

¹ Currently, 14 Florida experts are scheduled for depositions after the defensive report deadline of May 20.

Florida has suggested that it will likely seek additional time for expert discovery, beyond the extensions that have already been granted. In part because a crowded expert-deposition schedule could have been avoided by Florida agreeing to schedule depositions in April or early May, Georgia reserves its rights to oppose such a request. Georgia will meet-and-confer with Florida over any such request and reserve any final judgment until such a request is made.

III. TRIAL PLAN

As instructed by the Special Master at the last status conference, the parties have met and conferred regarding upcoming pre-trial and post-trial briefing, trial date and location, and other discovery matters. Georgia is waiting for Florida's proposals on each of these items, continues to develop its own proposals, and hopes to move forward with scheduling soon.

Dated: May 6, 2016

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CERTIFICATE OF SERVICE

This is to certify that the MAY 6, 2016 STATUS REPORT OF THE STATE OF GEORGIA has been served on this 6th day of May 2016, in the manner specified below:

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