

**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
JUNE 3, 2016**

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

I. MEDIATION

Over the last month, Georgia has devoted substantial time and resources to finding a negotiated resolution through mediation, while simultaneously conducting expert discovery. As part of this ongoing confidential mediation, the parties continue to evaluate and discuss potential ways to resolve the case. As it has in the past, Georgia will continue to commit substantial resources to developing solutions that could help the parties resolve this dispute.

II. EXPERT DISCOVERY

On May 20, 2016, Georgia served its defensive expert reports. In the interest of efficiency, Georgia designated only 9 experts to respond to Florida's 20 initial expert reports.

Georgia's defensive expert reports addressed and responded to the arguments that Florida has made in this case and in its expert submissions, and on which Florida bears the burden of proof.

Florida has argued that Georgia's expert reports were "untimely" and should have been disclosed on February 29, 2016. *See* Florida's Mot. for Extension of Expert Discovery (Docket No. 430). As Georgia explained in a response served on May 25, 2016, however, that argument is meritless. *See* Georgia's Response to Florida's Mot. for Extension of Expert Discovery (Docket No. 433). Georgia's expert reports were timely served, and Florida's arguments rely on a mistaken view of the law. Florida bears the burden of proof on all of the issues in this case, except with respect to Georgia's argument that the United States is a necessary and indispensable party. Georgia's expert reports were timely served.

In addition to the 20 expert reports it served on February 29, Florida also served 4 new expert reports on May 20, 2016. At least two of these reports (by Drs. Hornberger and Sunding) pertain to issues for which Florida clearly bears the burden of proof (even under Florida's erroneous view of the law). Yet Florida has offered no explanation for why it did not disclose these reports on the Court's initial required disclosure date of February 29, 2016, or why the Court should now accept these reports as disclosed timely.

Notwithstanding these issues, the parties are moving forward with expert depositions. On May 26, 2016, the Special Master granted Florida's motion to extend expert discovery to August 5, 2016. *See* Case Management Order No. 18. In the last 6 weeks, Georgia has taken 11 depositions of Florida's experts. Where possible, Georgia has sought to limit its depositions to one or two deposition days for each of Florida's experts, even though three days are allotted under the Case Management Plan. Georgia hopes that Florida will follow a similarly efficient approach to depositions of Georgia's experts. Georgia will continue with its expert depositions

over the next several weeks and will complete its depositions of Florida's experts by the August 5, 2016 deadline. On June 2, 2016, Florida served notices for depositions of Georgia's experts and Georgia will cooperate with Florida on the efficient scheduling of those depositions.

III. TRIAL PLAN

The parties have met and conferred several times regarding pre- and post-trial briefing, trial date and location, and other pre-trial and discovery matters. The parties will submit proposed trial logistics and a proposed briefing schedule on June 6, 2016, as instructed by the Special Master.

Dated: June 3, 2016

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CERTIFICATE OF SERVICE

This is to certify that the JUNE 3, 2016 STATUS REPORT OF THE STATE OF GEORGIA has been served on this 3rd day of June 2016, in the manner specified below:

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