

No. 142, Original

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

THE STATE OF FLORIDA’S JULY 2016 PROGRESS REPORT

The State of Florida respectfully submits this Progress Report to the Special Master pursuant to Section 4 of the December 3, 2014 Case Management Plan, as subsequently amended.

I. MEDIATION

Florida and Georgia continue to engage in a confidential mediation process. Since the last status report, the parties: (1) participated in multiple one-on-one telephonic discussions with the mediator; (2) exchanged further confidential mediation proposals; and (3) met face-to-face in Atlanta with the mediator. As indicated in prior Progress Reports, the parties jointly selected a nationally-recognized mediator, and that individual is working with the parties to attempt to break the deadlock that has prevented resolution of this dispute over the past 20 years. In light of the impending trial date, Florida hopes that significant progress can occur in the coming months.

Florida is available to participate in a confidential discussion with the Special Master regarding the status of mediation. Florida would also consent to a confidential discussion between the Special Master and the mediator regarding the status of the mediation process.

II. EXPERT DISCOVERY PROGRESS

Florida and Georgia continue to work cooperatively to complete expert depositions. As of the date of this filing, all expert depositions have been scheduled prior to the conclusion of expert discovery on August 5, 2016.

III. PRE-TRIAL AND TRIAL PROCEEDINGS

As explained in Florida’s June 30, 2016 Request for Minor Clarifications Regarding Case Management Order No. 19, Florida does not object to the Order, but believes it may be helpful to clarify a small number of issues and make certain additions to the Order. While Florida did confer with Georgia about the Request for Minor Clarifications, Florida was unaware that Georgia would object to particular provisions in the Order. Florida opposes the relief Georgia seeks in paragraphs 1, 2, 3, 4 and 8 of its Objections as these requests will disrupt an efficient and orderly presentation at trial. (Paragraph 2 of Georgia’s Objections to Case Management Order No. 19 is predicated on Georgia’s mistaken formulation of the burden of proof, and is otherwise problematic—*see* State of Florida’s Response to State of Georgia’s Consent Motion for Extension of Expert Discovery Deadlines (March 15, 2016)). Florida is available to provide detailed reasons for its opposition to Georgia’s Objections should the Court seek further briefing on the issue. Meanwhile, Florida is actively preparing for trial consistent with Case Management Order 19.

IV. UNRESOLVED DISPUTES

No disputes are ripe for decision by the Court at this time.

* * * *

July 1, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that THE STATE OF FLORIDA'S JULY 2016 PROGRESS REPORT has been served on this 1st day of July, 2016, in the manner specified below:

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