

No. 142, Original

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In the  
Supreme Court of the United States

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STATE OF FLORIDA,  
*Plaintiff,*

v.

STATE OF GEORGIA,  
*Defendant.*

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Before the Special Master  
Hon. Ralph I. Lancaster

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**THE STATE OF FLORIDA’S SEPTEMBER 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 (the “CMP”), as subsequently amended.

**I. CONFIDENTIAL MEDIATION**

As trial quickly approaches, Florida and Georgia continue to engage in the confidential mediation process that commenced several months ago. Florida continues to hope that the mediation process can break through the deadlock that has prevented resolution of these issues for multiple decades.

## **II. EXPERT DISCOVERY AND OTHER POSSIBLE DISPUTES**

Pursuant to Case Management Order No. 18, almost all of expert discovery was completed on August 5, 2016.<sup>1</sup> Although certain disputes regarding expert discovery issues were addressed by the parties, several issues remain for further discussion. For example, Florida continues to await a response to correspondence from August 11, 2016 on various expert issues. More recently, on August 16, 2016, Georgia notified Florida of a new supplemental expert opinion in a document purporting to provide corrections to the transcript of a completed expert witness deposition. Florida is aware of no precedent allowing an expert to supply new or supplemental opinions as a “correction” to a deposition transcript. Discussions of all the expert discovery issues will continue, and Florida anticipates that (with one possible exception) such issues will either be resolved between the parties or will be brought to the court’s attention in motions *in limine* or objections to pre-filed direct testimony.

## **III. PRETRIAL AND TRIAL PROCEEDINGS**

Consistent with Case Management Orders 19, 20, and 21, Florida is actively preparing for pre-trial and trial proceedings, and understands Georgia is doing the same. Florida believes and expects that both parties will meet every pretrial deadline, and will be ready for trial on October 31, 2016. (It is possible that the recent hurricane might have some impact on immediately approaching deadlines.)

Florida has continued to initiate and pursue discussions with Georgia on trial logistics and related matters. Florida currently expects additional discussions and agreements on the most efficient means of presenting witnesses and evidence at trial, and if the parties are unable to

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<sup>1</sup> Although expert discovery closed on August 5, 2016, Georgia took a fourth day of deposition of a Florida expert on August 18, 2016, upon agreement of both parties.

resolve particular logistics and administrative issues, Florida expects to raise those issues promptly with the Court.

**IV. UNRESOLVED DISPUTES**

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

\* \* \* \*

September 2, 2016

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

This is to certify that the STATE OF FLORIDA'S SEPTEMBER 2016 PROGRESS REPORT has been served on this 2nd day of September, 2016, in the manner specified below:

<b><u>For State of Florida</u></b>	<b><u>For United States of America</u></b>
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