

No. 142, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF FLORIDA,

Plaintiff

v.

STATE OF GEORGIA,

Defendant

OFFICE OF THE SPECIAL MASTER

CASE MANAGEMENT ORDER NO. 17

March 24, 2016

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Georgia has filed a consent motion for an extension of the expert discovery deadlines under the Case Management Plan. In its motion, Georgia states that the “current schedule provides 30 days for parties to complete all expert depositions.” Georgia represents that it will be unable to develop the record as fully and adequately as this equitable apportionment case requires unless Georgia is granted the requested extension. Florida does not oppose extending the expert discovery deadlines and has agreed to the dates proposed by Georgia.

As a basis for its request, Georgia has represented that Florida has served 20 expert reports on Georgia, comprising over 2,500 pages, that were accompanied by 1.3 terabytes of supporting materials. Georgia states that it will be unable to process, review, and respond to the expert reports in a timely manner under the existing deadlines. Further, both parties agree that additional time is required for expert depositions.

Because of the importance of fully developing the relevant factual record, Georgia’s consent motion is **GRANTED IN PART** and **DENIED IN PART**.

The deadline for defensive expert reports shall be extended to May 20, 2016. However, the deadline for deposing expert witnesses shall be extended until July 1, 2016.

Because the Case Management Plan permitted the parties to begin deposing experts promptly after the initial disclosures were made on February 29, 2016, the existing deadline granted Georgia and Florida more than thirty days to depose experts. Under the new schedule, the parties will have had more than 120 days to depose the experts who submitted reports on or before February 29, 2016, and more than forty days to depose the experts who submit reports on or before May 20, 2016.

Each party shall submit a short summary of any motions for any dispositive motions (such as motions for summary judgment or motions to dismiss) that the party intends to file. The summaries are due on or before July 15, 2016.

A telephone conference to address final pre-trial proceedings and a trial schedule shall be held on July 19, 2016 at 10:00 a.m.

Accordingly, IT IS HEREBY ORDERED THAT:

1. **Amendment of Case Management Plan Section 6.2.**

Section 6.2 of the CMP, as subsequently modified, is further amended to read:

6.2 Deposition Discovery

Unless they agree to proceed sooner, the parties may schedule depositions to begin on or after June 1, 2015. Depositions will be conducted in accordance with the guidelines attached hereto as Appendix C.

Depositions other than those taken of expert witnesses in their capacity as such shall be completed by February 29, 2016.

Depositions of expert witnesses in their capacity as such shall be completed by July 1, 2016.

2. **Amendment of Case Management Plan Section 7.**

Section 7 of the CMP, as subsequently modified, is further amended to read:

7. Expert Witnesses

Fed. R. Civ. P. 26(a)(2) shall control the disclosure of expert testimony in this action. While drafts of expert reports or disclosures need not be produced, any worksheets that reflect or explain calculations upon which the expert's report depends

should be produced, and any spreadsheets upon which the expert relies in forming the expert's opinions should be produced in native format.

7.1 Initial Disclosures

Any party that intends to rely upon expert testimony in support of an issue upon which that party bears the burden of proof shall provide full disclosure for such experts by no later than February 29, 2016.

7.2 Defensive Experts

Any party seeking to rely upon expert testimony on an issue concerning which it does not bear the burden of proof shall provide full disclosure for such experts by no later than May 20, 2016.

7.2 Rebuttal Experts

There will be no rebuttal expert designation absent further order upon showing of good cause.

3. Amendment of Case Management Plan Section 16.

Section 16 of the CMP, as subsequently modified, is amended to read:

16. Dispositive Motions

Except as otherwise directed in a case management order, motions to dismiss or motions for summary judgment may be filed at any time on or before August 17, 2016. Oppositions to motions to dismiss or motions for summary judgment shall be filed within thirty (30) days after service of the dispositive motion, in no event later than September 16, 2016. Replies to oppositions to motions to dismiss or motions for summary judgment shall be filed within fourteen (14) days after service of the opposition to the dispositive motion, in no event later than September 30, 2016.

Dated: March 24, 2016

/s/ Ralph I. Lancaster

Ralph I. Lancaster
Special Master

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