

**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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**OFFICE OF THE SPECIAL MASTER**

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**CASE MANAGEMENT ORDER NO. 2**

**December 19, 2014**

**CASE MANAGEMENT ORDER NO. 2**

For purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED THAT:

In response to the parties' request as set forth in the Joint Submission of the Parties Requesting Changes to Case Management Plan submitted December 10, 2014, and in a telephonic hearing held on December 15, 2014, and in light of Georgia's representation that its Answer will be filed no later than January 8, 2015, the schedule established in the Case Management Plan is amended as follows.

**1. Amendment of Case Management Plan Section 4**

The first sentence of Section 4 of the Case Management Plan dated December 3, 2014, is amended to read as follows:

Beginning on February 6, 2015, and continuing until otherwise ordered by the Special Master, each party will file a progress report with the Special Master on the first Friday of each month.

**2. Amendment of Case Management Plan Section 6.1**

Section 6.1 of the Case Management Plan dated December 3, 2014, is amended to read as follows:

**6.1 Written Discovery**

All written discovery may be initiated beginning on January 12, 2015, and shall be completed by no later than July 13, 2015.

**6.1.1 Interrogatories**

Each party may serve not more than fifty (50) interrogatories, including discrete subparts, on the other party. Without prior written

approval of the Special Master, no additional interrogatories may be served. Each party served with interrogatories shall have thirty (30) days from the date of service to serve objections and forty-five (45) days from the date of service to serve answers.

#### **6.1.2 Requests For Production of Documents/Inspections To Parties**

Each party may serve requests for production of documents/inspections on the other party. A party upon which requests for production of documents/inspections are served shall have twenty (20) days from the date of service to serve objections other than objections based on privilege, work product or confidentiality, thirty (30) days from the date of service within which to make remaining objections and to begin producing documents, and one hundred twenty (120) days from the date of service within which to complete full production subject to unresolved objections. If either party anticipates that full production will unavoidably require more than one hundred twenty (120) days from service, that party shall notify the Special Master within ten (10) days of service of the requests, and a telephone conference will be convened to discuss the issue.

#### **6.1.2 Requests For Production of Documents/Inspections To Non-Parties**

Each party may serve on non-parties requests for production of documents/requests for inspection as provided in Fed. R. Civ. P. Rules 34(c) and 45. Such requests should be specific and designed to avoid imposing unnecessary burdens on non-parties. Non-parties shall

have thirty (30) days from the date of service to serve objections and to begin producing documents, and ninety (90) days from the date of service within which to complete full production. If either a party or the non-party anticipates that full production will require more than ninety (90) days from service, that party or non-party shall notify the Special Master within ten (10) days of service of the subpoena and a telephone conference will be convened to discuss the issue. Any subpoena shall so inform the non-party of these deadlines.

#### **6.1.4 Requests To Admit**

A party may serve requests for admission on the other party. Each party served with requests for admission shall have thirty (30) days from the date of service to serve objections and forty-five (45) days from the date of service to respond.

### **3. Amendment of Case Management Plan Section 6.2**

Section 6.2 of the Case Management Plan dated December 3, 2014, is amended to read as follows:

#### **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 August 28, 2015. Depositions of expert witnesses in their capacity as such shall be completed by November 25, 2015.

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

Section 7 of the Case Management Plan dated December 3, 2014, is amended to read as follows:

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 August 28, 2015.

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 expert by no later than October 16, 2015.

7.3 **Rebuttal Experts**

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

5. **Amendment of Case Management Plan Section 16**

Section 16 of the Case Management Plan dated December 3, 2014, is amended to read as follows:

**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 January 15, 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 February 15, 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 February 29, 2016.

**6. Participation of the United States**

On or before February 9, 2015, counsel for the United States shall file a statement with the Special Master specifying the nature of its intended current participation in this matter, if any. Any party objecting to that intended current participation shall file a brief explaining its objection within seven (7) days after service of the statement, in no event later than February 16, 2015. Should the United States ultimately seek to intervene, it should not presume that any deadlines in the Case Management Plan will be reset.

**7. Summary of Deadlines**

A summary of the Case Management Plan schedule, as modified herein, is set forth in Appendix A.

Dated: December 19, 2014



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Special Master

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**APPENDIX A**  
***Florida v. Georgia, No. 142, Original***  
**Summary of Deadlines**  
**December 19, 2014**

January 12, 2015	Written discovery may commence
February 9, 2015	Deadline for Georgia to file a motion based on Fed. R. Civ. P. 12(b)(2)-(5) or (7)
February 9, 2015	Deadline for United States statement of intended participation
June 1, 2015	Depositions may commence
July 13, 2015	Deadline for completion of written discovery responses
August 28, 2015	Deadline for completion of non-expert depositions  Deadline for disclosure of experts by any party that intends to rely upon expert testimony in support of an issue upon which that party bears the burden of proof
October 16, 2015	Deadline for disclosure of defensive experts
November 25, 2015	Deadline for completion of expert witness depositions
January 15, 2016	Deadline for motions to dismiss based on Fed. R. Civ. P. 12(b)(6) and/or motions for summary judgment

The dates set forth above are the outside and final dates for the completion of the listed activity. Every effort should be made to complete each activity in advance of the prescribed deadline.