

No. 137, ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF MONTANA, Plaintiff

v.

STATE OF WYOMING

AND

STATE OF NORTH DAKOTA, Defendants

BEFORE THE HONORABLE BARTON H. THOMPSON, JR.
SPECIAL MASTER

WYOMING'S STATUS REPORT NO. 14

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The State of Wyoming presents the following Status Report No. 14 pursuant to Section VII.D. of Case Management Plan No.1:

1. Wyoming deposed the following individuals during the month of February, 2013: Charles Gebhart, Charles Kepper, Allen Fjell, Roger Muggli, and Mark Fix. Wyoming also deposed the following designated Montana experts: Dale Book, Steve Larson and Rick Allen. Because each of these Montana experts produced a significant amount of additional documents and information for the first time at their depositions, Wyoming kept each deposition open should the need arise to further depose those witnesses regarding the additional information.

2. During the month of February, 2013, Wyoming received responses from some of the Montana water users it previously subpoenaed. Wyoming forwarded to Montana copies of any responses it received along with any produced documents.

3. The Special Master held a status conference on February 25, 2013. The Special Master proposed a case schedule which incorporated dates that Montana and Wyoming had previously agreed upon as well as some additional scheduling items. During the Status Conference, Montana requested additional time to file its rebuttal expert reports due to a scheduling conflict of one of its experts, Dale Book. The Special Master denied the extension request. Accordingly, the case schedule as approved by the Special Master is as follows:

April 2 -- Wyoming's Expert Designation
June 4 -- Montana's Rebuttal Expert Designation
June 11 -- Last Day for Propounding Written Discovery
June 11 -- Disclosure of Non-Expert Witnesses
June 28 -- Last Day for Depositions
July 3 -- Final Day for Filing Dispositive Motions
August 2 -- Opposition Briefs Due on Dispositive Motions
August 16 -- Reply Briefs Due on Dispositive Motions
August 29-30 -- Hearings on Dispositive Motions
September 16 -- Decision on Dispositive Motion

October 14 -- Trial to Begin

During the status conference, Montana also objected to Wyoming questioning Montana water users outside of formal depositions. The Special Master held that the Montana water users are fact witnesses who can be contacted and questioned by Wyoming's counsel.

4. On February 26, 2011, Wyoming issued eleven subpoenas and notices of deposition for Montana Tongue River water users. Those depositions are scheduled to occur during the week of March 18, 2013, in Miles City, Montana, on dates and at times agreed to by the subpoenaed water users. Montana agreed in advance to the weeks set aside for water user depositions.

5. On February 27, 2011, Wyoming issued nine subpoenas and notices of deposition for Montana Tongue River water users. Those depositions are scheduled to occur during the week of March 18, 2013, in Miles City, Montana, on dates and at times agreed to by the subpoenaed water users.

6. On February 27, 2013, Montana served its Objections to Wyoming's Third Set of Interrogatories to Montana, Wyoming's Second Request for Admissions, and Wyoming's Second Requests for Production of Documents. Montana also served its Responses to Wyoming's Second Request for Admissions.

7. On February 28, 2011, Wyoming issued three subpoenas and notices of deposition for Montana Tongue River water users. Those depositions are scheduled to occur during the week of March 18, 2013, in Miles City, Montana, on dates and at times agreed to by

the subpoenaed water users. Wyoming anticipates issuing additional, similar subpoenas and notices. All Subpoenas described in this report have been served on all parties and amici.

Dated this 1st day of March, 2013.

Respectfully submitted,

THE STATE OF WYOMING

A handwritten signature in black ink, appearing to read "Peter K. Michael", written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming Status Report No. 14 was served by electronic mail and by placing the same in the United States mail, postage paid, this 1st day of March, 2013.

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