

**NO. 137, ORIGINAL**

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**STATE OF MONTANA, Plaintiff**

**V.**

**STATE OF WYOMING**

**AND**

**STATE OF NORTH DAKOTA, Defendants**

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

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**WYOMING'S STATUS REPORT NO. 4**

1. On April 6, 27, and May 1 and 2, 2012, Wyoming produced to Montana 18,583 pages of discovery documents, which Montana had requested as a result of its document review.

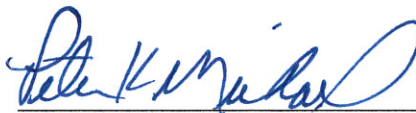
2. Since its last report, Wyoming took five witness depositions in Billings and Helena, Montana. Counsel for Wyoming and Montana have recently exchanged electronic mail regarding seven additional depositions that Wyoming seeks before the end of May, and counsel for Montana is contacting the witnesses, six of whom are current or former Montana officials, in order to make arrangements.

3. Wyoming has asked Montana to supplement some of its answers to Wyoming's first set of interrogatories, and counsel for Montana has promised such supplementation within days. Upon review of that supplementation, Wyoming will determine whether it needs to further consult with Montana on that issue or perhaps file a motion to compel discovery relating to the interrogatory answers.

4. Wyoming discovered from its initial depositions that former Montana officials have poor memories of events related to the Yellowstone River Compact that occurred in the 1980s and 1990s, and Wyoming is considering filing a motion for leave to amend its answer to assert the defense of laches. However, the depositions have not yet been transcribed, so Wyoming cannot yet support such a motion with that material. Wyoming mentions this possibility in this report so that the parties and Special Master might consider when such a motion to amend should be briefed and argued, perhaps in conjunction with the schedule for Wyoming's renewed motion for summary judgment. Before filing, Wyoming would inquire into Montana's position on such a motion.

Dated this 4th day of May, 2012.

THE STATE OF WYOMING



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## CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming's Status Report No. 4 was served by electronic mail and by placing the same in the United States mail, postage paid, this 4th day of May, 2012.

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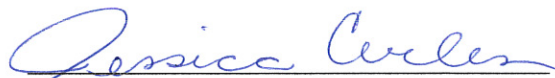
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