

**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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**OFFICE OF THE SPECIAL MASTER**

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**CASE MANAGEMENT ORDER NO. 13**

**October 4, 2013**

## CASE MANAGEMENT ORDER NO. 13

Rule 1.3(d)(1) of the Local Rules for the United States District Court of Montana provides that “No person may bring into a courthouse of the District of Montana a camera, transmitting or recording device, or personal electronic communication or computing device, including but not limited to a cell phone or smart phone, pager, personal data assistant, laptop, notebook/netbook computer, iPad, or other comparable device. If brought to a courthouse, such devices must be left with court security officers.”

On September 26, 2013, Chief Judge Dana L. Christensen of the United States District Court of Montana entered an order waiving this rule for counsel of record and their staffs, as well as any witnesses designated by me. The order provides that I must provide the Court Security Officers with a list of individuals falling within the parameters of this order.

On October 3, Chief Judge Christensen extended the order to allow counsel of record and their staffs “to bring personal electronic communication or computing devices, including cell phones and laptops, into the James F. Battin Federal Courthouse, during the week of October 7-11, 2-13, for the purpose of testing their computing devices in the Snowy Mountains Courtroom.

### IT IS THEREFORE ORDERED THAT:

1. Counsel of record for each of the parties shall notify me by 5 p.m. Mountain Daylight Time on Monday, October 7, of the names of those attorneys and staff members who will be assisting in the trial and who should be subject to Chief Judge Christensen’s September 26 and October 3 orders. In order to limit the number of persons who use electronic equipment in the courthouse, counsel shall keep the number of paralegals and consultants on this list to a minimum and shall list only those paralegals and consultants who will need to have access to a cell phone or laptop for trial purposes.

2. Counsel for amici curiae Anadarko Petroleum Corporation, Northern Cheyenne Tribe, and the United States shall notify me by 5 p.m. Mountain Daylight Time on Monday, October 7, whether they expect to attend any or all of the trial proceedings. If an amicus expects to attend, counsel shall notify me of the names of the attorneys and/or staff who will be attending, so that I also can include them under the exception to Local Rule 1.3(d)(1) provided by Chief Judge Christensen. In order to limit the number of persons who use electronic equipment in the courthouse, counsel for amici curiae shall keep the number of names on their lists to a minimum (the list of each amicus preferably will be no longer than one or two names) and shall list persons only if they will need to have access to a cell phone or laptop for trial purposes.

3. Witnesses who need to have a laptop as a resource while testifying may bring a laptop. This rule shall apply only to witnesses who have good cause to use a laptop during their testimony. Counsel shall send me a list of any witnesses who will

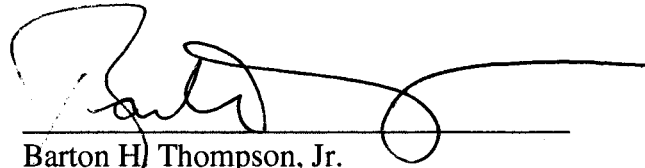
need a laptop as a resource while testifying, no later than 5 p.m. Mountain Daylight Time on Wednesday, October 9. The list shall include a short statement of why each witness will need a laptop for his or her testimony. I will then issue an order allowing a laptop to be used by any witness for whom good cause has been shown. If the list of such witnesses is lengthy, I may require counsel to bring in the laptop for each witness. Counsel may ask to supplement the list at later points during the trial if necessary, but should make a good faith effort to identify witnesses now who will need to have a laptop.

4. All cell phones and laptops used in the courthouse shall be on silent mode. No equipment of any type may be used for streaming or recording. Calls on cell phones should be conducted only outside the courtroom and should be conducted discreetly so as not to interfere with proceedings or offices in the courthouse.

5. All cell phones and laptops not otherwise covered by this order must be checked with the marshals and may be retrieved upon exiting the courthouse.

6. Lead counsel for the parties and amici curiae will be responsible for adherence to these requirements.

Date: October 4, 2013



Barton H. Thompson, Jr.  
Special Master

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