

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

OFFICE OF THE SPECIAL MASTER

CASE MANAGEMENT ORDER NO. 6

June 15, 2011

CASE MANAGEMENT ORDER NO. 6

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

1. Meet and Confer Regarding Bifurcation of Discovery

The States of Montana and Wyoming shall meet and confer to see if they can come to an agreement on whether and, if so, how discovery in this case should be bifurcated or staggered.

2. Submissions Regarding Bifurcation or Staggering of Discovery

On or before Tuesday, June 28, 2011, the States of Montana and Wyoming shall submit a joint statement setting out any agreement regarding bifurcation or staggering of discovery or, if the parties have not been able to reach an agreement, the differences in the positions of the two parties. If the parties are not able to reach an agreement, Montana and Wyoming shall also submit by the same date letter briefs in support of their respective positions regarding bifurcation or staggering of discovery.

3. July 1 Telephonic Status Conference & Hearing

On July 1, 2011, from 10 a.m. to noon PDT, the Special Master will hold a telephonic status conference and hearing to resolve any questions remaining open between the States of Montana and Wyoming regarding bifurcation or staggering of discovery.

4. Issues of Fact and Law

On or before Wednesday, July 20, 2011, Montana and Wyoming each shall submit a list of the issues of fact and law that it currently believes the Supreme Court will still need to resolve in reaching a final decision in this case.

5. Case Management Plan

Subsequent to the July 1, 2011 hearing, the States of Montana and Wyoming shall meet and confer to attempt to come to an agreement on a proposed Case Management Plan. Montana and Wyoming shall consult with the State of North Dakota and amici on any provisions directly relevant to them to which they have not previously agreed.

On or before Wednesday, July 27, 2011, Montana and Wyoming shall jointly submit a proposed Case Management Plan, including an identification of any provisions of the proposed plan on which the parties could not reach an agreement and the nature of the disagreement between the parties on any such provisions. If Montana and Wyoming disagree on any provisions of the proposed plan, they shall submit letter briefs on or before the same date in support of their respective positions on those provisions.

6. July 29 Telephonic Status Conference & Hearing.

On Friday, July 29, 2011, at 10 a.m. PDT, the Special Master will hold a telephonic status conference, as well as a telephonic hearing on any issues that need to be resolved in order to finalize the Case Management Plan.

7. Future Status Conference

The Special Master will also hold telephonic status conferences on Thursday, August 25, 2011, at 10 a.m. PDT, and on Thursday, September 29, 2011, at 10 a.m. PDT. Additional status conferences will be scheduled later this year at approximately monthly intervals.

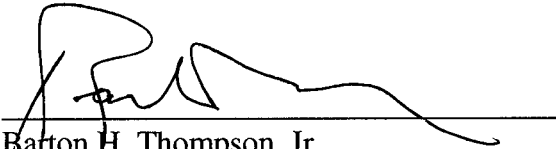
8. Format of Letter Briefs

Letter briefs shall be single spaced. Letter briefs should not exceed twenty (20) pages except by permission of the Special Master. Letter briefs of less than ten (10) pages can be in letter format and need not include tables of contents or authorities. Letter briefs of more than ten (10) pages should include tables of contents and authorities.

9. Requests for Modification or Supplementation

Any requests for modification or supplementation of this Case Management Order should be submitted to the Special Master on or before Monday, June 20, 2011.

Date: June 15, 2011



Barton H. Thompson, Jr.
Special Master

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