



**MONTGOMERY
& ANDREWS**

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U.S. MAIL AND EMAIL

November 22, 2011

Barton H. Thompson, Jr., Special Master
Woods Institute
Jerry Yang and Akiko Yamazaki Environment
& Energy Building - MC 4205
473 Via Ortega
Stanford, CA 94305
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**Re: *Montana v. Wyoming & North Dakota,*
No. 137, Orig., U.S. Supreme Court
Joint Letter Regarding Case Management Order No. 9**

Dear Special Master Thompson:

This joint letter regarding Case Management Order No. 9 ("CMO No. 9") is submitted with the approval of the States of Montana and Wyoming.

In accordance with CMO No. 9, the States of Montana and Wyoming ("States") have met and conferred by telephone regarding (1) the terms of a "blanket" document production order; and (2) the timing and process for resolving the question of the years for which Montana can seek damages or other relief. The agreement of the States resulting from their discussion is as follows:

I. Proposed Document Production Order

Pursuant to paragraph 4 of CMO No. 9, the States conferred on the terms of a potential Document Production Order. The States are pleased to report that they were able to agree on the form of a Joint Proposed Document Production Order, which is attached hereto.

REPLY TO:

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II. Resolution of the Years for which Montana Can Seek Damages

Pursuant to paragraph 5 of CMO No. 9, the States also conferred on the “timing and process for resolving the question of the years for which Montana can seek damages or other relief for any violations of its pre-1950 water rights under Article V of the Compact (the subject of Wyoming’s Motion for Partial Summary Judgment).” The States jointly propose the following schedule:

June 15, 2012:	Wyoming files its renewed Motion for Summary Judgment
July 13, 2012:	Montana files its Response to the renewed Motion
July 27, 2012:	Wyoming files its Reply in support of the renewed Motion

In order to accommodate this proposed schedule, the States request that the dates for the disclosure of expert witness reports in Draft Case Management Plan No. 1 (9/28/11) be extended by two months. Specifically, the States request the following schedule for disclosure of expert reports:

October 19, 2012:	Disclosure of Montana’s expert reports (¶ VII.A)
November 16, 2012:	Disclosure of Wyoming’s expert reports (¶ VII.B)
December 7, 2012:	Disclosure of Montana’s rebuttal expert reports (¶ VII.C)

The States look forward to discussing these matters further with you at the telephonic Status Conference scheduled for November 28, 2011 at 8:30 a.m. PST.

Best regards from Montana and Wyoming.

Sincerely yours,

Jennifer Anders
Andrew Huff
Assistant Attorneys General



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Jeffrey J. Wechsler
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State of Montana

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Senior Assistant Attorney General
State of Wyoming

Barton H. Thompson, Jr.

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cc: (Email w/ attachment)

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