

**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. 19**

**March 8, 2017**

## CASE MANAGEMENT ORDER NO. 19

In my December 19, 2016 Opinion on Remedies, I concluded that Montana should have the opportunity to seek some or all of the costs that it incurred in these proceedings up to and including resolution before me of Wyoming's motion to dismiss (the "Cost Period"). For the purposes of these proceedings, IT IS THEREFORE ORDERED THAT

**1. Bill of Costs.** On or before April 3, 2017, Montana shall file a Bill of Costs, listing those costs that Montana incurred during the Cost Period and believes should be taxed as costs incurred in bringing its action and/or opposing Wyoming's Motion to Dismiss. These costs can include filing and service fees, transcript fees, printing fees, and other costs generally allowable under Federal Rule of Civil Procedure 54(d)(1), but do not include attorney fees. The Bill of Cost shall include a declaration under penalty of perjury that the listed costs are correct and were necessarily incurred in this action and that the services for which the fees were charged were actually and necessarily performed. Montana shall also include with the Bill of Costs (1) an itemization of all requested costs, along with documentation of those costs, and (2) a brief in support of its Bill of Costs.

**2. Submission of Objections.** Wyoming may object to any and all costs that it does not believe should be awarded against it under applicable law and pursuant to my December 19, 2016 Opinion on Remedies. Any such objection shall be filed, along with a supporting brief, on or before April 17, 2017.

**3. Reply.** Montana can file a reply to any objections by Wyoming on or before April 24, 2017.

**4. Hearing.** A hearing will be held in late April or early May on both (1) the appropriate form of the final judgment and declaratory relief in this case, and (2) the award of costs. The hearing shall be in person unless Montana and Wyoming agree that a telephonic hearing is acceptable.

**5. Requests for Modification or Supplementation.** Any requests for modification or supplementation of this Case Management Order shall be received by the Special Master on or before Tuesday, March 21, 2017.

Date: March 17, 2017



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Barton H. Thompson, Jr.  
Special Master

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