

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. 17

April 27, 2016

CASE MANAGEMENT ORDER NO. 17

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

1. Wyoming’s Summary Judgment Motion. Montana shall file its opposition to Wyoming’s Motion for Summary Judgment as to Remedies, dated April 27, 2016, on or before Monday, June 27, 2016. Wyoming shall file any reply brief in support of its motion on or before Monday, July 11, 2016.

2. Montana’s Summary Judgment Motion(s). Montana may file one or more summary judgment motions on the question of remedies (including damages, declaratory relief, injunctive relief, and/or costs) on or before Friday, May 27, 2016. Any opposition to such motion(s) shall be filed on or before Monday, June 27, 2016. Any reply brief(s) in support of the original motion(s) shall be filed on or before Monday, July 11, 2016.

3. Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed can support the assertion by citing to any portion of the record in the liability phase of this proceeding or to any other forms of materials identified in Federal Rule of Civil Procedure 56(c)(1).

4. Incorporation of Prior Legal Argument. The parties need not repeat any legal argument made in their briefs before the United States Supreme Court in connection with the exceptions to the Second Interim Report but may instead incorporate any such arguments by reference in their papers.

5. Applicable Rules. Except as otherwise provided, Federal Rule of Civil Procedure 56 will govern the summary judgment motions under this Order. Case Management Plan No. 1, as well as prior Case Management Orders, shall continue to apply as to relevant matters of procedure and format.

6. Hearing. A hearing on the motion(s) will be set for late July or early August.

Date: April 27, 2016



Barton H. Thompson, Jr.
Special Master

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