

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

BEFORE THE HONORABLE BARTON H. THOMPSON, JR.

SPECIAL MASTER

NOTICE OF DEPOSITION DUCES TECUM OF KEITH KERBEL

Please take notice that the Defendant State of Wyoming will take the following deposition in this case:

On April 23, 2012, beginning at 9:00 a.m., counsel for Defendants will take the deposition of Keith Kerbel at DNRC Regional Office, 1371 Rimtop Drive, Billings, MT 59105-1978.

Mr. Kerbel is instructed to bring with him to the deposition and make available for inspection and/or copying, any and all documents, files or notes in his **private** possession

or control relating to the administration of water rights on the Tongue, Powder and Little Powder Rivers and their tributaries, or relating to the Yellowstone River Compact, but only if they arise out of his former employment by the State of Montana. Mr. Kerbel is **not** required to bring any documents relating to the administration of water rights on the Tongue, Powder and Little Powder Rivers and their tributaries, or relating to the Yellowstone River Compact, which documents arise out of his employment by the United States of America or any other employment other than his employment by the State of Montana. Mr. Kerbel is further instructed to bring any materials he has reviewed in preparation for his deposition.

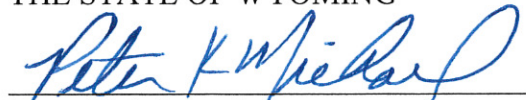
The deposition will be taken before a court reporter authorized to administer oaths and will be used for all purposes permitted under the Federal Rules of Civil Procedure and Case Management Plan No. 1.

You are invited to attend and cross-examine. Arrangements are being made to have the deposition available by telephone for those who prefer to attend via telephone.

The deposition shall continue from hour to hour and day to day until complete, subject to the restrictions set forth in Case Management Plan No. 1. Defendant currently estimates that the deposition should last about eight hours.

Dated this 9th day of April, 2012.

THE STATE OF WYOMING



Peter K. Michael
Counsel of Record
Chief Deputy Attorney General
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Notice of Deposition Duces Tecum of Keith Kerbel was served by electronic mail and by placing the same in the United States mail, postage paid, this 9th day of April, 2012.

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