

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

WYOMING'S STATUS REPORT NO. 10

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The State of Wyoming presents the following Status Report No. 10 pursuant to Section VII.D. of Case Management Plan No.1:

1. On October 18, 2012, Montana served its Responses to Wyoming's First Request for Admissions, and its Objections to Wyoming's Second Set of Interrogatories to Montana and Wyoming's First Request for Admissions.

2. The Special Master held a status conference on October 25, 2012, where he discussed his September 28, 2012, opinion regarding Wyoming's Renewed Motion for Partial Summary Judgment, requested a discovery update, and requested party input regarding trial dates and location. Montana requested a two month extension to designate its experts which the Special Master denied. The Special Master did allow Montana an extra week to provide the declarations required by the September 28, 2012, opinion. The Special Master requested that the parties advise him by email of their trial availability during the August through December, 2013 timeframe, and advise him about their trial location preferences.

3. On October 25, 2012, Wyoming advised the Special Master that it was available for trial during the August through December, 2013 timeframe, and requested that trial take place in Billings, Montana. Also on October 25, 2012, North Dakota and the United States advised that they did not have any conflicts during the August through December, 2013 timeframe, and North Dakota did not oppose trial being held in Billings, Montana. On November 1, 2012, Montana advised the Special Master that it was available for trial during the August through December, 2013 timeframe, possibly subject

to oral argument in the Republican River case, and that Montana did not oppose conducting the trial in Billings, Montana.

4. On October 26, 2012, Montana served Notices of Deposition and Subpoenas Duces Tecum for Carmine LoGuidice, Michael Whitaker and Bill Knapp. Montana and Wyoming conferred by phone on October 29, 2012, and agreed to an alternative schedule of documents that Montana was requesting these witness produce at their depositions.

5. Montana conducted the depositions of Carmine LoGuidice, Michael Whitaker and Bill Knapp on October, 31 through November 2, 2012, in Sheridan, Wyoming.

6. Montana is in the process of scheduling depositions for the following Wyoming witnesses who are not Wyoming state employees in Sheridan, Wyoming on November 13 through 16, 2012: Edith Lamares, Bruce Yates, Bill Shackelford, Jim Roach, John Becker, David Garber, Vic Garber, Tom Manolis and John Wantulok.

7. At Montana's request, Wyoming intends to make the following witnesses available to Montana for depositions in Cheyenne, Wyoming, on November 26 through November 30, 2012: Lisa Lindemann, Paul Schweiger, John Barnes, Jeff Fassett, Pat Tyrrell, and Sue Lowry. Wyoming is also attempting to contact Richard Stockdale and make him available as well.

8. At this time, Wyoming has agreed to temporarily forgo taking depositions of the Montana witnesses it has identified to facilitate Montana's ability to conduct its

depositions and comply with its Case Management Plan No.1 expert and exhibit disclosure deadline.

9. Montana's answers to Wyoming's Second Set of Interrogatories to Montana are due today, November 2, 2012.

Dated this 2nd day of November, 2012.

Respectfully submitted,

THE STATE OF WYOMING



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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Wyoming's Status Report No. 10 was served by electronic mail and by placing the same in the United States mail, postage paid, this 2nd day of November, 2012.

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