

No. 141, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO and

STATE OF COLORADO,

Defendants,

UNITED STATES OF AMERICA,

Intervenor.

MEMORANDUM ORDER

By order dated August 28, 2024, the undersigned directed counsel of record to seek agreement on a date for the scheduling of a status conference to be conducted in Denver, Colorado. Counsel have complied by advising the Special

Master that they are agreeable to dates that I suggested: October 22, 23, and 24, 2024.

Accordingly, the undersigned directs counsel of record to appear for a status conference on **Wednesday, October 23, 2024**, which will commence at 10:00 A.M. in courtroom A201 of the Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado, 80294. Counsel shall be prepared to brief the Special Master on the relevant history of this matter, and to suggest appropriate procedural steps that may be undertaken with a view toward reaching resolution of this decade-long litigation.

Counsel's presentations at the status conference shall occur in the following order: (1) Texas; (2) New Mexico; and (3) the United States. Counsel will not be limited in their presentations to the matters or issues they have set out in any Status Report that I have directed them to file by October 4, 2024. And each counsel shall be free to offer or refer to, for demonstrative purposes, any exhibits or other evidence that have previously been made part of the record. If counsel intends to refer to exhibits or other evidence that were previously submitted, counsel shall provide at the time of the status conference copies of such exhibits or evidence in a binder for use by the Special Master and opposing counsel.

In short, I regard the presentations to be made by counsel at the status conference to constitute, collectively, a tutorial for the benefit of the undersigned (notwithstanding my recognition that there remain between the parties disputed issues of law and fact).

Counsel should expect that their presentations will be punctuated by questions posed by the Special Master.

The Honorable Arthur Boylan has agreed to continue to serve as Mediator. Ms. Heather Garza has likewise agreed to continue her service as Court Reporter.

By order dated this 9th day of September, 2024:

s/D. Brooks Smith
Honorable D. Brooks Smith
Special Master
United States Circuit Judge
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