

No. 142, Original

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

STATE OF FLORIDA,

Plaintiff

v.

STATE OF GEORGIA,

Defendant

CHAMBERS OF THE SPECIAL MASTER

CASE MANAGEMENT ORDER NO. 23

August 23, 2018

CASE MANAGEMENT ORDER NO. 23

This case was remanded for further proceedings consistent with the Supreme Court's opinion in *Florida v. Georgia*, No. 142, Orig., 138 S. Ct. 2502, 2527 (June 27, 2018). The undersigned was appointed Special Master "with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for" and to submit appropriate reports. *Florida v. Georgia*, No. 142, Orig., 2018 WL 3765202 (Aug. 9, 2018).

For the purposes of the remand proceedings, IT IS HEREBY ORDERED THAT:

1. All prior Case Management Orders remain in full force and effect, unless and until modified by the Special Master.
2. The final sentence of Section 17 of the Case Management Plan dated Dec. 3, 2014, is amended to read: "All publicly available materials filed or issued in PDF form will be available through a forthcoming link maintained on the website of the United States Court of Appeals for the Tenth Circuit, at www.ca10.uscourts.gov."
3. The parties shall promptly meet and confer and submit to the Special Master a Distribution List containing information for all individuals to be served with pleadings, papers, and documents. The new Distribution List shall update as necessary the Distribution List set forth in Case Management Order No. 16, dated March 15, 2016.
4. The parties shall meet and confer by September 18, 2018, as to the following questions:
 - a. Whether the existing record is sufficient to resolve this case as to the merits of each issue identified by the Supreme Court upon remand;

- b. Whether additional discovery is needed and, if so, what specific issue(s) the proposed discovery would address;
- c. Whether stipulations are possible as to operative facts, especially as to the relative economic issues;
- d. Whether any additional hearings, evidentiary or non-evidentiary, would be beneficial;
- e. Whether settlement possibilities have been and will be explored fully; and
- f. Whether any other issues should be brought to the attention of the Special Master.

The parties shall submit a memorandum to the Special Master by October 2, 2018, setting forth a summary of the parties' positions on these questions. The memorandum shall be a joint memorandum to the extent possible, though it may contain independent statements where the parties are unable to agree to the summary. The memorandum shall not exceed forty pages. A scheduling order prepared by the Special Master will follow.

The Special Master also invites the United States to indicate by October 2, 2018, whether it can or intends to provide any further information that would bear on any of the issues identified by the Supreme Court on remand.

Dated: August 23, 2018

/s/ Paul Kelly, Jr.
Paul J. Kelly, Jr.
Special Master

United States Circuit Judge
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