

SUPREME COURT OF THE UNITED STATES
No. 142, Original

STATE OF FLORIDA,)
)
Plaintiff,)
)
V.)
)
STATE OF GEORGIA,)
)
Defendants.)

TELEPHONE CONFERENCE before SPECIAL MASTER

RALPH I. LANCASTER, held at the law offices of Pierce
Atwood, LLP, at Merrill's Wharf, 254 Commercial Street,
Portland, Maine, on November 2, 2015, commencing at
10:00 a.m., before Claudette G. Mason, RMR, CRR, a
Notary Public in and for the State of Maine.

APPEARANCES:

For the State of Florida: ALLEN C. WINSOR, ESQ.
JONATHAN L. WILLIAMS, ESQ.
OSVALDO VAZQUEZ, ESQ.
ABID R. QURESHI, ESQ.

For the State of Georgia: CRAIG S. PRIMIS, ESQ.
BRITT GRANT, ESQ.

For the U.S.A.: MICHAEL T. GRAY, ESQ.

Also Present: JOSHUA D. DUNLAP, ESQ.
MARY CLIFFORD

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1 Georgia?
2 MS. GRANT: Good morning, your Honor.
3 This is Britt Grant from Georgia. I'm here
4 on the line in Atlanta. And Craig Primis and
5 the team of outside counsel are in
6 Washington, D.C. Craig will be handling the
7 call for Georgia.
8 SPECIAL MASTER LANCASTER: Thank you.
9 United States?
10 MR. GRAY: Yes. Good morning, your
11 Honor. This is Michael Gray for the United
12 States.
13 SPECIAL MASTER LANCASTER: Thank you.
14 Mr. Gray, I have your e-mail to which
15 Josh responded this morning; but you should
16 understand that if you have any comments as
17 we proceed, you should feel free to help us
18 here.
19 MR. GRAY: Yes.
20 SPECIAL MASTER LANCASTER: As I said,
21 counsel, we have reviewed extensively
22 everything you have submitted; but I thought
23 it was important to have a conference call
24 just to make sure that we weren't missing
25 anything. And I apologize for my conflict

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2 PROCEEDINGS
3 SPECIAL MASTER LANCASTER: Good morning,
4 counsel.
5 MR. WINSOR: Good morning.
6 MS. GRANT: Good morning.
7 SPECIAL MASTER LANCASTER: We have our
8 case manager Josh Dunlap is with us, legal
9 assistant Mary Clifford, and the wonderful
10 Claudette is back. So we're in good shape.
11 Let me just say as a prelude, please,
12 that we have read and absorbed, I think,
13 everything that you have submitted. So as we
14 go forward, it will not be necessary to
15 repeat any of that.
16 Let me start by asking for appearances.
17 First, Florida.
18 MR. WINSOR: Good morning, your Honor.
19 This is Allen Winsor in Tallahassee for
20 Florida. And I have with me Jonathan
21 Williams and Osvaldo Vazquez. And on the
22 telephone we have members of our outside
23 counsel team including Abid Qureshi, who will
24 handle today's hearing for Florida.
25 SPECIAL MASTER LANCASTER: Thank you.

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1 and unavailability on Friday afternoon.
2 So let me start by asking whether
3 there's anything additional that counsel want
4 to add to what we have already received.
5 Florida?
6 MR. QURESHI: Your Honor, as a threshold
7 matter, I just want to apologize on behalf of
8 my colleague, Mr. Phil Perry, who has
9 addressed the Court previously. He underwent
10 a medical procedure last week and was unable
11 to attend, but he did want me to extend his
12 apologies for not being here today.
13 SPECIAL MASTER LANCASTER: Well, I hope
14 he's all right and wish him well for us,
15 please.
16 Georgia?
17 MR. PRIMIS: Yes, your Honor. Well, I
18 want to make sure Mr. Qureshi didn't have
19 anything else to say before you turn to me.
20 MR. QURESHI: Sure. Thank you, Craig.
21 What I would like to do, your Honor,
22 with your permission is to preview for the
23 Court why Florida believes that a modest
24 extension of the fact discovery deadline is
25 appropriate. And I would also like to

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<p style="text-align: right;">5</p> <p>1 explain the work that Florida has done over 2 the last several months and contrast it with 3 the work that Georgia has not done during 4 this time period. 5 SPECIAL MASTER LANCASTER: That's fine 6 as long as it's not repetitive. 7 MR. QURESHI: I understand that, your 8 Honor. And it is not repetitive. 9 We're certainly respectful of the 10 Court's admonition throughout this matter, 11 particularly in Case Management Orders No. 7 12 and 12, that further extensions of discovery 13 are strongly disfavored. Therefore, when 14 we were approached by Georgia to jointly 15 request such an extension, we reviewed the 16 array of facts and issues that remained 17 outstanding and evaluated whether we could 18 accomplish those tasks within the allotted 19 time, and we believed that we could not. 20 Most specifically, there are certain 21 items that we still have not received from 22 Georgia and the Georgia universities that 23 we believe are critical to our case. More 24 than two weeks ago the Court ordered the 25 production of e-mails belonging to Mr. Martin</p> <p style="text-align: center;">THE REPORTING GROUP Mason & Lockhart</p>	<p style="text-align: right;">7</p> <p>1 All of these materials we believe will be 2 very helpful to our case and are integral to 3 the trial strategy we have proposed going 4 forward. 5 While we're waiting for all these 6 materials, your Honor, we have been 7 proceeding. We have already taken six 8 depositions. We would have taken 10 but for 9 the actions of certain third parties. And in 10 many of these depositions we have received 11 documents the night before or the day before. 12 Nevertheless, we have persevered in going 13 forward with the depositions. 14 And from the letters, I presume it's 15 Georgia's position that unless it has all of 16 the information and documents associated with 17 particular custodians, it cannot go forward. 18 Florida certainly has not conducted itself in 19 that way. 20 We do note that for many of the 21 individuals that Georgia would like to 22 depose, we have produced e-mails and other 23 documents for them many months ago. For 24 example, Florida -- Georgia recently told us 25 a set of individuals they would like to</p> <p style="text-align: center;">THE REPORTING GROUP Mason & Lockhart</p>
<p style="text-align: right;">6</p> <p>1 Kistenmacher. And we still have not 2 received those, and we don't know when those 3 are coming. Similarly, we have requested 4 e-mails for another individual, Mr. Aris 5 Georgakakos, on October 20. And that 6 universe of information will provide insight 7 on hydrology and water flows that Georgia 8 experts have examined. We believe that those 9 materials will support our positions and will 10 rebut Georgia's positions. Again, we have no 11 idea as to when those materials are coming. 12 We have asked for certain state 13 agricultural irrigation information and state 14 water planning information from Albany State 15 University and the Georgia Water Policy 16 Planning Commission. We expect those 17 materials are coming in the next few weeks, 18 but we have no firm deadline when those 19 materials will be forthcoming. 20 I'm pleased to report that we have 21 resolved an issue that was raised by 22 Mr. Pendergrast and his client, the ACF 23 Stakeholders; but we do not yet have a firm 24 deadline as to when his clients and his 25 constituents will be producing documents.</p> <p style="text-align: center;">THE REPORTING GROUP Mason & Lockhart</p>	<p style="text-align: right;">8</p> <p>1 depose. And we queried our data base to 2 determine how many documents we have produced 3 for that information and when we produced 4 them. And as early as April 30, we had 5 produced substantial volumes of information 6 for many of these custodians. So if Georgia 7 had wanted to proceed earlier, it could have. 8 The final thing I would like to address, 9 your Honor, is the outstanding productions. 10 We do have additional material left to 11 produce. We are very confident that we 12 will make these productions before the 13 November 10 deadline. 14 The materials fall into three general 15 categories. One category is e-mails that 16 were set aside for privilege review. That 17 privilege review is now complete. Category 2 18 is e-mails associated with a particular 19 custodian that Georgia scheduled to depose in 20 late December. That individual worked as a 21 privileged -- he worked in a privileged 22 capacity with the state for several months; 23 and we had to evaluate which of his documents 24 were privileged and which were not, and we 25 have now completed that exercise. And the</p> <p style="text-align: center;">THE REPORTING GROUP Mason & Lockhart</p>

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1 last category is what was referenced in our
 2 correspondence, the sort of cleanup and
 3 safety checks of materials.
 4 I certainly agree with Georgia's
 5 position that this is a tremendous amount of
 6 documents that Florida has produced. Florida
 7 and Florida University have produced in
 8 excess of 4 million pages of documents. Much
 9 of this is necessitated because of the search
 10 requests that Georgia has provided.
 11 I know that the Court has the document
 12 request that Georgia sent us, sets No. 2 and
 13 3. But even if you go back to set No. 1,
 14 some of their requests asked for all
 15 documents pertaining to groundwater or
 16 surface water issues in the Florida portion
 17 of the ACF Basin. This is going all the way
 18 back to 1975. Similarly, they asked us for
 19 all communications with federal government
 20 agencies going back to 1975 that relate to
 21 the ACF Basin.
 22 We also exchanged search terms. Their
 23 search terms were incredibly broad asking for
 24 any documents -- any e-mails that hit on the
 25 terms Apalachicola, Chattahoochee, or Flint

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1 fact that we had received 3-1/2 million
 2 pages of documents from Florida since
 3 September -- Florida and its universities,
 4 including 2 million in October alone.
 5 Mr. Qureshi indicated on this call that
 6 they had made a substantial production by
 7 April. And I'm looking at the data that we
 8 have, and by my count it was less than
 9 10 percent of their total production. And it
 10 was limited to a few custodians. Nearly
 11 two-thirds of the production has come in the
 12 last six to seven weeks, making it extremely
 13 difficult for Georgia to get through.
 14 Georgia didn't do it that way. Georgia
 15 spaced its production out and had most of its
 16 production done by September, allowing
 17 Florida to begin with the depositions. We
 18 thought Georgia -- Florida was doing the
 19 same. But it turned out that we were wrong
 20 about that because they didn't tell us what
 21 their plan was and what was in the pipeline.
 22 Until today, we had been asking what was
 23 left to produce; and they never asked us.
 24 And Mr. Qureshi made statements today about
 25 that, but we still don't know what the volume

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1 and any derivation of the word agriculture,
 2 any derivation of the word rain, any document
 3 that contains the word lake within five of
 4 Lanier, Lake Seminole. All of these, your
 5 Honor, are search terms that we diligently
 6 ran against the designated list of
 7 custodians. And it did generate a very
 8 extensive list of responsive materials.
 9 We have reviewed them, and we're
 10 preparing to produce what we believe will be
 11 the final set of those materials. And we're
 12 very confident that we will get that done by
 13 the deadline of November 10.
 14 SPECIAL MASTER LANCASTER: Thank you
 15 very much.
 16 Georgia?
 17 MR. PRIMIS: Thank you, your Honor.
 18 This is Craig Primis for the State of
 19 Georgia.
 20 That's a very one-sided and inaccurate
 21 picture that Mr. Qureshi just put forth, and
 22 I was surprised to hear it. I have a number
 23 of responses that I think are important to
 24 make for the record.
 25 First, we did lay out in our letter the

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1 is going to be or how it will impact our
 2 preparations.
 3 The important point is not just the
 4 sheer volume of the paper. It comes in
 5 electronic form, to be sure, but not just the
 6 volume of pages that we have had to review in
 7 a very compressed time frame as we're trying
 8 to schedule depositions, but the problem also
 9 relates to the inability or the difficulty
 10 that we have had in scheduling the
 11 depositions.
 12 We sent our notices -- our initial
 13 notices on September 15. We received --
 14 between that point and a month later we
 15 received only dates for two witnesses. And
 16 when we looked up the records, no records had
 17 been produced from either of those witnesses;
 18 so we couldn't possibly proceed with their
 19 depositions. In fact, I believe I made that
 20 point on the last status conference just to
 21 flag an issue that might come to the fore.
 22 And, indeed, it has.
 23 So we sent out additional notices on
 24 September 24. And we didn't start to receive
 25 dates from Florida until October 13 for these

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1 depositions. And we started scheduling them
 2 in good faith, and we believed that they
 3 would start to proceed. Then on October 16
 4 we received nearly 30,000 individual records
 5 from the two key Florida agencies that
 6 regulate water in their state, that being
 7 the Florida Department of Environmental
 8 Protection and the Northwest Florida Water
 9 Management District. And so while we were
 10 preparing to take depositions that we had
 11 arranged to take of key witnesses from both
 12 of those agencies, on a Friday night we
 13 received over 300,000 pages from those two
 14 agencies that needed to be reviewed before we
 15 could take a meaningful deposition of them.
 16 It's true some of their e-mails had been
 17 produced earlier, but this was a significant
 18 burden placed on us.
 19 Now, it comes -- it was mailed out on a
 20 Friday night; so we can't even start to
 21 process it and get it to our electronic
 22 discovery people until Monday. And then
 23 given the volume, it takes several days to do
 24 it. So we lost a week there, and we had to
 25 reschedule those depositions.

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1 Mr. Qureshi left out of his recitation
 2 that we specifically said we're prepared to
 3 take the deposition of Mr. Dunbar, the former
 4 executive director of the Northwest Florida
 5 Management District; but we note we just got
 6 a couple hundred thousand pages that we
 7 haven't had a chance to review yet. We're
 8 willing to go forward if you will produce him
 9 a second time. And they said they would
 10 prefer not to produce him a second time. So
 11 out of consideration for that request and the
 12 witness, we had to reschedule it.
 13 But it's this intersection between
 14 difficulty in securing deposition dates and
 15 the timing of the productions that have made
 16 it very difficult for Georgia to proceed in
 17 its depositions of Florida witnesses.
 18 Georgia has been able to proceed
 19 because -- I'm sorry, Florida has been able
 20 to proceed because Georgia timed its
 21 productions with an eye towards starting
 22 depositions in the fall, which Florida did
 23 not do.
 24 Now, Mr. Qureshi talked about documents
 25 from Georgia universities. Georgia

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1 universities have been producing substantial
 2 numbers of documents throughout this case.
 3 Georgia Tech, Albany, and the University of
 4 Georgia have all produced hundreds of
 5 thousands of pages of documents and, more
 6 importantly, technical models that they have
 7 been working on. And we have produced those
 8 expeditiously over the summer because we
 9 understood that the models were important.
 10 There is one exception that was difficult to
 11 obtain because it was housed overseas beyond
 12 our control, but even that one we were able
 13 to get and produce.
 14 The matters about which Mr. Qureshi
 15 complains now are subpoenas duces tecum which
 16 were served much more recently which were
 17 very broad, in some respects duplicative of
 18 what has already been produced. And we have
 19 a meet and confer schedule today to review
 20 the status on those items with Florida. So I
 21 was a bit surprised to hear them come up
 22 here.
 23 But all that said, if there is
 24 additional material to be produced from
 25 late-served subpoenas duces tecum, remember,

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1 all the document requests and subpoenas in
 2 this case went out in the spring and early
 3 summer. And so these are new requests coming
 4 late in the day that we are trying to
 5 evaluate for burden and scope and we're going
 6 to negotiate with Florida over. But these
 7 are not things that have been hanging out a
 8 long time. Florida served them very late in
 9 the game.
 10 So the basic point is that while we
 11 obviously have some disagreements on how we
 12 got here, Georgia agrees with Florida that a
 13 modest extension of the discovery schedule is
 14 warranted. If Florida is, indeed, close to
 15 finished with its production, then we now
 16 know what the universe is. And if we can get
 17 dates scheduled, which has started to happen,
 18 we can then prioritize the review of this
 19 massive amount of information.
 20 We can't review all of it at the same
 21 time in anticipation that Florida will just
 22 identify one person who is free next week who
 23 we can depose then. We need to get the dates
 24 on the calendar, and then we will prioritize
 25 and organize ourselves to review the large

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1 amount of information for these people in
 2 advance of their depositions.
 3 I'm happy to answer any questions that
 4 the Court has -- oh, one final point I would
 5 just note, your Honor, is that one other
 6 thing that has been concerning to Georgia
 7 relates to the 30(b)(6) deposition that we
 8 had discussed previously and that your Honor
 9 mentioned in the most recent Case Management
 10 Order. We have outstanding a 30(b)(6) notice
 11 since September 15. Florida has yet to tell
 12 us which witnesses are going to be testifying
 13 about the topics identified in that. And
 14 they have objected to producing anybody to
 15 testify about injury or harm to Florida at
 16 all.
 17 And so when we're trying to organize and
 18 schedule depositions, we need to know who the
 19 30(b)(6) people are so we can, A, review
 20 their documents specifically but, B, organize
 21 it so that if there's overlap between them
 22 and somebody else that we're already
 23 deposing, we don't have to schedule two
 24 separate depositions; and we can do it all at
 25 the same time, which is very common. But we

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1 have had requests out for identification of
 2 these witnesses for weeks, and we still don't
 3 have that.
 4 So there have been bumps in the road.
 5 There's a lot of material to review. I think
 6 both sides agree that an additional 45 days
 7 should allow us to get to the finish line.
 8 But without that we do have a concern, A,
 9 that this will be significantly prejudicial
 10 to Georgia and, B, that the Supreme Court
 11 will not get the benefit of the record it
 12 deserves to decide what are, I think both
 13 sides agree, matters of great importance to
 14 both of our states.
 15 SPECIAL MASTER LANCASTER: Does Georgia
 16 anticipate that its production will be
 17 complete by the November 10 deadline?
 18 MR. PRIMIS: Yes, we do, your Honor. We
 19 have -- like Florida, we are going through
 20 documents that have been preliminarily
 21 identified as potentially privileged by the
 22 review team; and we need to make sure that
 23 there are not nonprivileged documents in
 24 those. So we're going through that process.
 25 And we had a few custodians who were

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1 identified later in the process, and we are
 2 looking at those. With regard to these
 3 later-served document subpoenas, we are
 4 meeting and conferring on those later today.
 5 Some of that material has already been
 6 produced. But those are individual subpoenas
 7 to individual witnesses and deponents, and we
 8 need to confirm with Florida exactly what
 9 they want; or we may be objecting to certain
 10 of it due to scope of the e-mail issue that
 11 previously arose. So it's not exactly clear
 12 how that's going to play out.
 13 But for the Georgia production, yes;
 14 we're going to be complete. We expect to be
 15 complete by November 10 with the matters we
 16 have remaining.
 17 SPECIAL MASTER LANCASTER: Thank you.
 18 United States, Mr. Gray, do you want to
 19 comment?
 20 MR. GRAY: No, your Honor. United
 21 States doesn't have anything to add at this
 22 point.
 23 SPECIAL MASTER LANCASTER: Florida, do
 24 you want to respond to Georgia's comments?
 25 MR. QURESHI: Your Honor, the only thing

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1 I would like to say is at a fundamental
 2 level, it seems like Georgia's principal
 3 concern is this volume of documents and the
 4 timing of documents that were produced by
 5 Florida. We seem to have a different view of
 6 that, and our principal concern is the
 7 absence of particular documents specifically
 8 requested from Georgia.
 9 But if they're representing that they
 10 will be able to produce those documents
 11 by November 10, including the very specific
 12 e-mails that we requested from
 13 Mr. Kistenmacher and Mr. Georgakakos, then I
 14 think that the modest extension we requested
 15 is appropriate.
 16 SPECIAL MASTER LANCASTER: And what is
 17 your response or comment about the 30(b)(6)
 18 point?
 19 MR. QURESHI: Your Honor, that is one
 20 of the topics on today's meet and confer.
 21 They gave us more than 30 topics. Several
 22 of them were inappropriate for a 30(b)(6)
 23 designation. They called for expert
 24 testimony. So we appropriately objected.
 25 But we're happy to discuss with them today at

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1 the meet and confer the identity of witnesses
 2 who they have asked to depose who will also
 3 serve in a 30(b)(6) capacity.
 4 SPECIAL MASTER LANCASTER: Georgia, do
 5 you want to comment any further?
 6 MR. PRIMIS: The only thing I need
 7 to comment on is Mr. Qureshi slipped in
 8 Dr. Georgakakos. We need to understand
 9 exactly what it is that they're requesting
 10 from Dr. Georgakakos because unlike
 11 Dr. Kistenmacher, whose e-mails are in
 12 line to be produced pursuant to your order,
 13 Dr. Georgakakos did not have the discrete,
 14 narrow folder like Dr. Kistenmacher did. And
 15 we need to come to a -- either to an
 16 agreement or to finalize a dispute for your
 17 resolution with Florida. But we haven't had
 18 that conversation yet.
 19 But I can't say given the way his
 20 e-mails were kept and the expected volume
 21 that it's -- that that particular item will
 22 be closed out by November 10.
 23 SPECIAL MASTER LANCASTER: Let me just
 24 comment briefly on what I have heard. You
 25 know and I know that each time we have a

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1 status report or a progress report, you
 2 both -- both Florida and Georgia emphasize
 3 the fact that you're cooperating, that you
 4 have met, and you have conferred. What I
 5 have heard today is a couple of things that
 6 are disturbing to me. First, the breadth of
 7 the document request, rain, water, there does
 8 have to be some limit, it seems to me, to the
 9 definitions contained in those requests.
 10 And the second thing is the impression
 11 that I have that a lot of these things are
 12 backloaded, that, you know, you start out
 13 with requests on January 12, March 12,
 14 February 3, March 10. And here we are now in
 15 November, and the volume seems to be almost
 16 insurmountable.
 17 Now, maybe I'm not hearing you correctly
 18 or not understanding you correctly; but what
 19 I'm hearing overall is that there are
 20 requests for production and production itself
 21 because you have been unable to narrow the
 22 requests. If I'm wrong on that, you can
 23 correct me.
 24 Let me pause and ask you, am I wrong on
 25 that, Florida?

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1 MR. QURESHI: No, you are not, your
 2 Honor. The requests as proposed by Georgia
 3 were the requests we ran. And that is
 4 contributing to the large volume of
 5 documents. Much of the material that they
 6 received and they will receive we believe is
 7 not relevant to any issue. For example,
 8 they're getting graduate student
 9 dissertations. They're getting newspaper
 10 clippings that are embedded in e-mails that
 11 are attached to e-mails. There's over
 12 200,000 pages of newspapers that we're
 13 producing because they hit on their search
 14 terms.
 15 So, no, you are not wrong.
 16 SPECIAL MASTER LANCASTER: Georgia?
 17 MR. PRIMIS: Yes, your Honor.
 18 Again, I have a disagreement with my
 19 colleague. The parties negotiated extensive
 20 search terms early on to narrow the scope of
 21 e-mail that would be produced in the case.
 22 And we were surprised early on to find out
 23 that not -- not immaterial percentages of the
 24 things we were getting from Florida didn't
 25 even hit on the search terms; and we didn't

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1 know why they were producing them. So that
 2 certainly contributes to our burden as our
 3 people were going through and saying we're
 4 finding documents about other basins than the
 5 ACF Basin or other matters. It -- it was
 6 difficult to tell whether Florida was
 7 actually reviewing some of this material.
 8 There was also another exchange that
 9 Mr. Qureshi left out where Georgia
 10 consistently said throughout the negotiations
 11 and meet and confer process that we should be
 12 applying search terms to narrow the field of
 13 documents. Other than the 20 e-mail
 14 custodians that we ultimately reached
 15 agreement on, Florida rejected that proposal.
 16 They would not agree to allow Georgia to
 17 narrow its production by using search terms.
 18 And I take it for non e-mails they didn't
 19 either.
 20 The -- the point being that, you know,
 21 we certainly tried to negotiate some
 22 narrowing. I don't think it's unusual for
 23 initial document requests to be broad and
 24 then there to be narrowing through
 25 negotiation, which we did in this case to the

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1 extent we could. But there were also very
 2 tight time frames for getting discovery
 3 going. And when we couldn't reach an
 4 agreement to narrow it further, we started
 5 collecting, reviewing, and producing, which
 6 was an onerous process.

7 The other point I wanted to make about
 8 the backloading that your Honor commented on,
 9 one other point that Florida insisted on
 10 early in the process was that we not limit
 11 the number of custodians or individuals to
 12 whom we went to go get documents. They were
 13 insistent on that. So we had proposed to
 14 limit to a universe of people. We would go
 15 to those people and apply search terms, and
 16 that would be the universe of materials.
 17 Florida said no. So we went around the State
 18 of Georgia, and I think we reported that we
 19 interviewed over 75 people. And when it
 20 related to non e-mail, electronic and paper
 21 documents, we had to go to all those people
 22 and collect and produce what they wanted,
 23 which we did.

24 I think part of the explanation for the
 25 current situation that we have with the large
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1 number of Florida documents at the end is
 2 that we learned that Florida did not do that.
 3 For their -- if somebody was not an e-mail
 4 custodian, they didn't go and check on the
 5 other information that they had insisted that
 6 Georgia produce. And I think that's part of
 7 the explanation for why we have gotten over
 8 400,000 pages of documents in October from
 9 two of the key agencies. And my assumption
 10 is that those are documents that were not
 11 housed with any particular custodian or
 12 e-mail custodian, and they had to go back and
 13 get those.

14 So that is why I believe why we are
 15 where we are. But I think it's just not
 16 accurate to say that the parties did not make
 17 efforts to narrow down what both sides had as
 18 broad requests.

19 SPECIAL MASTER LANCASTER: Now, am I
 20 correct in understanding that the basis for
 21 this, quote, modest, unquote, extension
 22 request is not related to disputes with third
 23 parties, Florida?

24 MR. QURESHI: Your Honor, part of the
 25 request is related to third parties. We
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1 don't -- we seem to have resolved disputes
 2 with many of them. But we don't have a sense
 3 as to when they will be producing documents.

4 For example, the ACF Stakeholders,
 5 Mr. Pendergrast's client, we resolved that
 6 dispute about two weeks ago. And we are
 7 waiting for his constituents to actually
 8 begin the document production process so we
 9 can take the requisite depositions.

10 SPECIAL MASTER LANCASTER: Georgia?

11 MR. PRIMIS: We are not waiting on
 12 documents from third parties. We will have
 13 some follow-up for the University of Florida,
 14 but that's in process. Other than that, non
 15 Florida or Georgia third parties, we're not
 16 waiting.

17 SPECIAL MASTER LANCASTER: Well, let me
 18 just say you have already been granted
 19 extensions of over four months regarding the
 20 factual depositions. You have had notice
 21 that I am extremely reluctant to further
 22 extend the deadlines.

23 The one thing that I'm hearing or the
 24 one thing that you said that disturbs me is
 25 the possibility that the United States -- I'm
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1 sorry, that the Supreme Court will not have
 2 all of the documents it should have in front
 3 of it. Now, let me just put a small footnote
 4 on that. If anyone on this line thinks that
 5 any Justice or any law clerk for a Justice is
 6 going to review hundreds of millions of
 7 documents, you have another thing coming. At
 8 some point everything has got to be narrowed
 9 down to a point where the Court itself will
 10 not be burdened or overburdened.

11 And, again, I have urged you from the
 12 start that you ought to meet and confer and
 13 narrow your document requests. I'm saying it
 14 again. If you don't do that, you're going to
 15 be in such great problems territory that no
 16 one will be able to help either one of you.

17 We will promptly rule one way or
 18 another.

19 Is there anything further, Florida?

20 MR. QURESHI: No, your Honor.

21 SPECIAL MASTER LANCASTER: Georgia?

22 MR. PRIMIS: No, your Honor.

23 SPECIAL MASTER LANCASTER: Josh?

24 MR. DUNLAP: No.

25 SPECIAL MASTER LANCASTER: Mary?
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1 MS. CLIFFORD: No.
 2 SPECIAL MASTER LANCASTER: Thank you
 3 very much, counsel. You will hear from us
 4 just as soon as we can make a decision.
 5 MR. QURESHI: Thank you, your Honor.
 6 MR. PRIMIS: Thank you, your Honor.
 7 MS. GRANT: Thank you, your Honor.
 8 (The telephone conference was concluded
 9 at 10:29 a.m.)

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CERTIFICATE

1 I, Claudette G. Mason, a Notary Public
 2 in and for the State of Maine, hereby certify
 3 that the foregoing 29 pages are a correct
 4 transcript of my stenographic notes of the
 5 above-captioned proceedings.
 6 I further certify that I am a
 7 disinterested person in the event or outcome
 8 of the above-named cause of action.
 9 IN WITNESS WHEREOF, I subscribe my hand
 10 this 4th day of November, 2015.

11
 12
 13
 14 _____
 15 Notary Public
 16
 17
 18 My Commission Expires
 19 June 9, 2019.
 20
 21
 22
 23
 24
 25

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THE REPORTING GROUP

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