



U.S. Department of Justice

Environment and Natural Resources Division

MTG
90-1-2-14114

*Appellate Section
701 San Marco Blvd.
Jacksonville, FL 32207*

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February 5, 2015

BY EMAIL AND U.S. MAIL

Ralph I. Lancaster, Jr.
Pierce Atwood
Merrill's Wharf
254 Commercial Street
Portland, ME 04101

Re: February 10, 2015, Status Conference, in Florida v. Georgia, No. 142, Original

Dear Special Master Lancaster:

I write on behalf of the United States to seek clarification on whether the United States may attend telephonically the next status conference in this case. The Case Management Plan currently provides that only parties may attend status conferences. As you are aware, under Case Management Order No. 2 the United States will be filing its statement of intended participation in advance of the February 10, 2015, status conference. Though we do not intend to make any affirmative presentation at the status conference, we believe that it may be helpful for the United States to be available to answer any questions you may have regarding our statement of intended participation. In addition, the United States would like the opportunity to continue to monitor the course of proceedings, particularly related to any discussion that may be held regarding a possible motion by Georgia to dismiss under Rule 12(b)(7) for failure to join the United States as a necessary and indispensable party, *See* January 30, 2015, letter from Craig Primis, & Case Management Order 3, or discussions regarding possible requests for information from federal agencies under the applicable "*Touhy*" regulations.

We have conferred with counsel from both Florida and Georgia, and neither State objects to the United States attending the February 10, 2015, status conference.

Very truly yours,

s/Michael T. Gray

No. 142, Original

In The
Supreme Court of the United States

STATE OF FLORIDA,
Plaintiff

v.

STATE OF GEORGIA
Defendant

Before the Special Master

Hon. Ralph I. Lancaster

CERTIFICATE OF SERVICE

This is to certify that the foregoing letter from Michael T. Gray on behalf of the United States to Special Master Lancaster has been served this 5th day of February, 2015, in the manner specified below:

| For State of Florida | For State of Georgia |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>By U.S. Mail and Email:</u> Allen Winsor Solicitor General <i>Counsel of Record</i> Office of Florida Attorney General The Capital, PL-01 Tallahassee, FL 32399 T: 850-414-3300 allen.winsor@myfloridalegal.com</p> <p>By Email Only: Donald G. Blankenau Jonathan A. Glogau Christopher M. Kise Matthew Z. Leopold Osvaldo Vazquez</p> | <p><u>By U.S. Mail and Email:</u> Craig S. Primis, P.C. <i>Counsel of Record</i> Kirkland & Ellis, LLP 655 15th St., NW Washington, D.C. 20005 Craig.primis@kirkland.com</p> <p><u>By Email Only:</u> Samuel S. Olens Nels Peterson Britt Grant Seth P. Waxman K. Winn Allen Sarah H. Warren georgiawaterteam@kirkland.com</p> |

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| Thomas R. Wilmoth floridawaterteam@foley.com | |
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s/Michael T. Gray
MICHAEL T. GRAY,
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