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October 19, 2016

By E-mail

The Honorable Ralph I. Lancaster
Special Master
Pierce Atwood LLP
Merrill's Wharf
254 Commercial Street
Portland, ME 04101

Re: *Florida v. Georgia*, Orig. No. 142

Dear Special Master Lancaster:

Georgia plans to submit deposition designations for Dr. Karl Havens and Dr. William Pine, professors at the University of Florida who have conducted extensive analysis of the cause of the 2012 Apalachicola Bay oyster collapse. Georgia served its deposition designations on Florida on September 9, 2016 and Florida served Georgia with counter-designations for Drs. Havens and Pine on September 23, 2016. Georgia learned late Monday night for the first time that Florida now objects to the entirety of Georgia's deposition designations for Drs. Havens and Pine and is demanding that Georgia call these professors live at trial.

Georgia believes that the most efficient way for the Court to receive testimony from Drs. Havens and Pine is through deposition designation. Both professors are based in Gainesville, Florida, and Florida has indicated that it does not have control over University of Florida employees. It is possible that Florida will withdraw its objection and spare Professors Havens and Pine the inconvenience of travel when their testimony may more efficiently be submitted through designation. But if Florida's objection is sustained, Georgia will need to call them as live witnesses at trial.

Accordingly, Georgia respectfully requests that the Special Master issue trial subpoenas for Drs. Havens and Pine pursuant to §2.4 of CMO 20. Georgia brings this request within 48 hours of learning of Florida's objection. If Florida's objections are overruled, Georgia will not call Drs. Havens and Pine live and will proceed with playing the deposition designations from Drs. Havens and Pine in court. For the Special Master's convenience we have attached proposed trial subpoenas to this letter.

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We are available at the Special Master's convenience should the Court have any questions.

Sincerely,

/s/ Craig S. Primis, P.C.
Craig S. Primis, P.C.

Attachments

cc: Counsel for Florida