

# JONES DAY

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June 29, 2015

## VIA ELECTRONIC MAIL

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

Re: State of Florida vs. State of Georgia (U.S. Supreme Court No. 142, Original)  
Subpoena for Production of Documents to The Nature Conservancy

Dear Special Master Lancaster:

We represent The Nature Conservancy ("TNC") for purposes of responding to the third party subpoena referenced above. Prior to our retention in this matter, on March 23, 2015, our client wrote to advise you that TNC was concerned it would not be able to complete production within the 120-day time frame originally allotted. On March 24, 2015, your law clerk, Mr. Dunlap, responded that TNC should advise as soon as feasible when it was certain that additional time would be needed.

Since then, we have conferred several times with Florida's counsel, specifically Ms. Silke and Mr. McKee, in an effort to refine the scope of the very broad and general subpoena request. Those negotiations resulted in a narrowing of the requests as to TNC and provided our client with a better understanding of the specific categories of documents within its control that may be responsive and that Florida counsel is seeking through the subpoena. Pursuant to those negotiations, TNC has been reviewing its files and already has identified and produced several documents that Florida counsel requested. Similarly, TNC generated reports of certain land acquisitions requested by Florida's counsel during our discussions, and those reports also have been produced.

TNC continues to review its files and records and, pursuant to the subpoena, will continue to produce documents as it reaches agreement with Florida to do so. However, because TNC is a non-profit organization, it has limited resources available to carry out this review, which covers projects executed by an array of staff and volunteers in numerous field offices in both Georgia and Florida. A small team is reviewing document collections identified as relevant

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by the project teams and offices, but this review is in addition to other job responsibilities and will take time to complete.

Based on our understanding of what Florida currently is seeking and our best estimate of the records and files that still require review, TNC should be able to complete its review and production of documents by **August 14, 2015**. This is based on our understanding that TNC has identified with direction from Florida's counsel the major categories of documents of which Florida seeks production. We respectfully request an extension for full production through that date.

We have advised Florida's counsel of this request and understand that they have no objection as long as TNC continues to produce relevant documents on a rolling basis as it completes its review. TNC reserves the right to request additional time if, during our review, we encounter any unexpected issues that would render this August 14 deadline unfeasible. Should such a situation arise, we promptly will advise you as well as Florida's counsel.

We are happy to provide any additional information you may request and are at your disposition for a conference call to discuss this request should you consider that necessary.

Very truly yours,



Johanna Oliver Rousseaux

cc: Joan T. Dwoskin, Senior Attorney, The Nature Conservancy  
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