

**In The  
Supreme Court of the United States**

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STATE OF FLORIDA,

*Plaintiff,*

v.

STATE OF GEORGIA,

*Defendant.*

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Before the Special Master

Hon. Ralph I. Lancaster

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**STATUS REPORT OF THE STATE OF GEORGIA  
JULY 1, 2016**

This report constitutes the eighteenth monthly status report filed by the State of Georgia pursuant to Section 4 of the Case Management Plan.

**I. MEDIATION**

Georgia continues to devote substantial time and effort to the mediation process. This past month, the parties exchanged a second round of settlement proposals. The parties held a third in-person mediation session in June to discuss their respective proposals. In attendance for Georgia were counsel along with representatives from the Governor's office, the Attorney General's office, and the Environmental Protection Division. The parties worked proactively with the mediator to attempt to develop an agreeable resolution to this dispute.

## **II. EXPERT DISCOVERY**

On May 20, 2016, Georgia disclosed 9 defensive expert reports that addressed and responded to the arguments for which Florida bears the burden of proof. Florida served 4 expert reports on May 20 in addition to the 20 expert reports it served on February 29, 2016. Florida has still not provided an explanation for why it did not disclose those additional four reports on February 29 or why the Court should now accept those belatedly disclosed reports as timely.

On June 29, 2016, Florida disclosed an untimely rebuttal report authored by Dr. David Langseth. As amended by Case Management Order No. 13, Case Management Plan § 7.2 states that “[t]here will be no rebuttal expert designation absent further order upon showing of good cause.” Florida has not shown good cause and the Special Master has not issued any further order. In an apparent attempt to circumvent the prohibition on rebuttal reports, Florida styled its new report as a “Memorandum” from Dr. Langseth to Dr. Hornberger titled “Dr. Panday Water Budget Evaluations.” The contents of this “Memorandum” are a direct rebuttal to the report submitted by Georgia’s expert Dr. Panday. Florida cannot avoid the CMP’s requirement to show good cause by filing a rebuttal report and calling it something else. The opinions in Dr. Langseth’s rebuttal report were not properly disclosed under the CMP and cannot be presented as expert opinion in this case. Should Florida show good cause and receive permission to file this report properly, Georgia may need additional time to depose Dr. Langseth regarding its contents. Georgia reserves all rights in connection with Dr. Langseth’s impermissible rebuttal report.

Since the last status report, the parties have moved forward with scheduling and taking expert depositions. To date, Georgia has taken 18 depositions of Florida’s experts. Florida has scheduled depositions of Georgia’s experts. Georgia has worked cooperatively with Florida to resolve requests related to expert reliance materials and the execution of models produced with its expert reports. In particular, Florida has requested supporting data for various sections of Dr.

Irmak's report. Georgia has responded in a timely fashion to all of Florida's requests even though Dr. Irmak has been out of the country. Moreover, Georgia has spent considerable time and resources answering Florida's requests, notwithstanding the fact that several of the requests call for publicly available information or files already produced and identified in Dr. Irmak's reliance materials. Georgia hopes that Florida will likewise respond promptly and in good faith to the several outstanding requests related to Florida's own expert reports.

Dated: July 1, 2016

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**CERTIFICATE OF SERVICE**

This is to certify that the JULY 1, 2016 STATUS REPORT OF THE STATE OF GEORGIA has been served on this 1st day of July 2016, in the manner specified below:

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