

In The
SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff,'

STATE OF NEW MEXICO
and STATE OF
COLORADO,

Defendants.

APPLICATION PURSUANT TO RULE 22 TO JUSTICE SAMUEL
ALITO FOR LEAVE TO FILE ONE RESPONSE TO FOUR RESPONSES
AND EXCEED WORD LIMIT

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June 5, 2019

No. 141, Original

In The SUPREME COURT OF THE UNITED STATES

STATE OF TEXAS,

Plaintiff

STATE OF NEW MEXICO and STATE OF COLORADO,

Defendants.

APPLICATION PURSUANT TO RULE 22 TO JUSTICE SAMUEL
ALITO FOR LEAVE TO FILE ONE RESPONSE TO FOUR RESPONSES
AND EXCEED WORD LIMIT

COME NOW the Pre-federal Claimants ("Claimants") by and through their counsel of record Robert S. Simon and hereby apply, pursuant to Rules 22 and 33 (d) for leave to file one reply that exceeds the word limit for a single Reply to a Brief In Opposition rather than filing four Replies and for good cause would show Justice Alito, as follows:

1. The Pre-federal Claimants filed their Motion for Leave to Intervene in this case on March 20, 2019 ("Motion"). The States of Colorado, Texas and New Mexico and the United States of America filed Reponses in Opposition to Pre-federal Claimants' Motion.
2. On April 19, 2019 the U.S. submitted a Motion to extend the time to file response to the motion for leave to intervene from April 19, 2019 to

May 20, 2019, submitted to The Clerk, which was granted.

3. On April 23, 2019 the Pre-federal Claimants (“Claimants”) submitted their Motion to extend the time to file reply in support of motion for leave to intervene to June 10, 2019, so Claimants could respond to all four responses at the same time, which was granted.

4. A Motion was mistakenly submitted to the Special Master’s Clerk on June 3, 2019.

5. Filing one Reply aggregating up to 8000 words will save cost and reduce the burden of replying to each Response separately, which will avoid the parties and the Court needing to read four different replies aggregating up to 12,000 words.

6. The urgency in this matter results from Counsel assuming that one could elect to aggregate the word count limit for four responses into one pleading and only became aware of the Rule 22 requirement to file an application to seek leave to exceed the page limit within the last few days.

WHEREFORE, the Pre-federal Claimants pray Justice Alito grant their application for leave to exceed the word count for a Reply to a Response in Opposition for up to 8000 words, so they may Reply to the four Responses filed in Opposition to Claimants’ Motion for Leave to Intervene in one Reply.

Respectfully submitted this 5th day of June 2019.

/s/ Robert S. Simon

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CERTIFICATE OF SERVICE

On this 5th day of June 2019, the Motion of the Pre-federal Claimants to Claimants to file one reply aggregating up to 800 words to all four Responses filed in this case in Opposition to Pre-federal Claimants' Motion for Leave to Intervene was served via electronic mail as indicated, upon those individuals on the Service List attached hereto and by post to the four parties pursuant to Rule 29.3 and 4.

/s/ Robert Simon
Robert Simon

SERVICE LIST FOR ALL PARTIES

In The Supreme Court of the United States, Original No. 141
STATE OF TEXAS v. STATE OF NEW MEXICO and
STATE OF COLORADO

PARTIES¹

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SPECIAL MASTER

Special Master	<p>Honorable Michael J. Melloy Special Master United States Circuit Judge 111 Seventh Avenue, S.E., Box 22 Cedar Rapids, IA 52401</p> <p>Michael E. Gans, Clerk of Court United States Court of Appeals – Eighth Circuit Thomas F. Eagleton United States Courthouse 111 South 10th Street, Suite 24.329 St. Louis, MO 63102</p>	(319) 432-6080 TXvNM141@ca8.uscourts.gov (314)244-2400 TXvNM141@ca8.uscourts.gov