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March 10, 2009

By E-Mail and First Class Mail

Special Master Kristin L. Myles
Munger, Tolles & Olson LLP
560 Mission Street, 27th Floor
San Francisco, California 94105

Re: *South Carolina v. North Carolina*, No. 138, Original:
South Carolina's Twelfth Progress Report

Dear Special Master Myles:

In advance of the telephonic hearing scheduled for Thursday, March 12, 2009, we respectfully submit South Carolina's twelfth progress report concerning events that have occurred since the eleventh progress report dated February 3, 2009.

On February 13, 2009, South Carolina filed its Brief in Support of Exceptions to the Special Master's First Interim Report, and the United States filed a Brief of Amicus Curiae in Support of Plaintiff's Exceptions on February 20, 2009. Proposed Intervenors submitted their Reply Briefs on March 9, 2009. South Carolina's surreply brief is due on March 23.

Document discovery is ongoing. On February 12, 2009, South Carolina received a supplemental production from the City of Charlotte. On February 20, 2009, South Carolina received a supplemental document production from Duke.

Respectfully submitted,



David C. Frederick
*Special Counsel to the
State of South Carolina*