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Sent: Wednesday, September 23, 2015 4:15 PM
To: Ralph Lancaster
Cc: Mary Clifford; FloridaWaterTeam@foley.com; #Georgia Water Team; supremectbriefs@usdoj.gov; michael.gray2@usdoj.gov; james.dubois@usdoj.gov; allen.winsor@myfloridalegal.com; John.Cooper@lw.com; Joshua D. Dunlap
Subject: FL v. GA - request for conference

Special Master Lancaster:

The parties have reached a disagreement regarding the number of depositions that should be permitted in this case. Georgia has proposed that both parties be limited to 20 fact depositions (including party and non-party depositions). Florida has opposed a limit on the number of depositions. Pursuant to the Case Management Plan, "the number and length of depositions and interrogatories will be determined by the Special Master." CMP section 5.2.8. The parties seek the Special Master's assistance in resolving this dispute. Pursuant to Sections 11 and 12 of the Case Management Plan, the parties' respective positions are stated below in 75 words or less:

Georgia's Position: A limit of twenty depositions for each party, twice that allowed by FRCP 30, is appropriate to ensure that depositions are limited only to necessary witnesses; reduce the likelihood of unhelpful or redundant depositions; reduce the burden and inconvenience on the parties and third parties; and focus the parties on the key issues in dispute. Additionally, this limit will ensure that fact depositions can be completed by the fact-discovery deadline set by CMO No. 10.

Florida's Position: This is an Original Action; no precedent justifies such a significant limitation here. This 25-year dispute involves many complex technical/factual issues. Georgia identified 162 personnel with knowledge; none have previously been deposed. Millions of documents have been produced, with many more expected. Florida already noticed 27 depositions, each focused on specific relevant issues. Florida also anticipates deposing 5-7 federal personnel, and 8-10 other witnesses. Depositions begin next week and will conclude by the deadline.

Counsel for both parties are available for a call Thursday afternoon or Friday morning, with a preference for Friday morning if that is convenient for the Special Master.

Sincerely,

Craig S. Primis,
Counsel for Georgia

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