

SUPREME COURT OF THE UNITED STATES

No. 128, Original

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE MANAGEMENT ORDER NO. 2

For the purposes of the proceedings before the Special Master, IT IS HEREBY ORDERED THAT:

(1) Revised Distribution List for Service of Documents. A revised Distribution List for Service of Documents appears in the Appendix to this order. Please note the following amendments:

- (a) Ms. Joanne M. Grace, Assistant Attorney General for the State of Alaska, now has the following fax number: (907) 279-2834.
- (b) Documents now will be sent to the Special Master's legal assistant, who has the following address:

Mr. Paul Rosenzweig
Rosenzweig Law Office, LLP
516 C Street N.E., Suite 300
Washington, DC 20002
Tel. (202) 543-9370
Fax. (202) 543-9372

(2) Method of Distributing Documents. When distributing documents, the parties and the Special Master will send two copies of each document to each of the attorneys on the Distribution List for Service of Documents. The parties will send all documents by "standard overnight" delivery whenever possible, recognizing that "standard overnight" service to or from Alaska may not be available or may take more than one day. If "standard overnight" delivery is not available to a particular location, the parties will use the next fastest available delivery alternative. To prevent loss or misplacement of documents, the parties and the Special Master will not send documents by facsimile or email absent exceptional circumstances.

(3) Case Management Plan. The parties will draft and distribute a proposed Case Management Plan by January 16, 2001. In drafting the proposed plan, the parties will, to the extent that it is applicable, use as a guide the Comprehensive Case Management Plan adopted in No. 126, Original, Kansas v. Nebraska and Colorado. If the parties are unable to agree on a particular issue in drafting the Case Management Plan, each side will offer its own proposal for resolving the issue, and each side will briefly state its objections to the other side's proposal.

(4) List of Principal and Subsidiary Issues. To facilitate discovery and future planning, the parties will draft and distribute by January 16, 2001, a list of the principal issues to be decided by the Special Master, and so many of the subsidiary issues as the parties are able to identify at that time. If the parties cannot reach full agreement, they will note their disagreements. Although the parties should strive to make the list as comprehensive as information will allow, failure to include an issue on the list will not prevent the parties from raising the issue later. To the extent that the parties cannot fully identify all subsidiary issues to be decided by the Special Master, they shall provide a time table for their identification in the proposed Case Management Plan.

(5) Timing of Case Status Conference No. 2. Prior to January 1, 2001, the parties will provide the Special Master a list of proposed dates and times in February for holding Case Status Conference No. 2 in Washington, D.C. At Case Status Conference No. 2, the parties and the Special Master will discuss the proposed Case Management Plan, the list of Principal and Subsidiary Issues, and other topics that may arise. Please note that the Special Master cannot meet on Wednesday, Thursday, and Friday mornings.

(6) Amicus Parties. Any party wishing to participate as an amicus party in this litigation must first seek leave to do so by filing a motion with the Special Master and distributing copies of the motion to each of the attorneys on the Distribution List for the Distribution of Documents. The parties may file objections to such a motion.

(7) Posting of Docket and Case Management Orders. The Special Master will post on the internet, for public access, the docket sheets, all of his orders, and selected other documents. The address for access to these documents is:

<http://www.law.gwu.edu/facweb/gmaggs/128orig/docket.htm>

Dated: November 6, 2000

Gregory E. Maggs
Special Master

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Distribution List for Service of Documents

updated November 6, 2000

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