

No. 138, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF SOUTH CAROLINA,

Plaintiff

v.

STATE OF NORTH CAROLINA,

Defendant

OFFICE OF THE SPECIAL MASTER

Order Granting City of Charlotte's Motion to Participate as an *Amicus Curiae*

June 16, 2010

The City of Charlotte has moved for leave to participate in this action as an *amicus curiae*. Charlotte previously moved for leave to intervene as a defendant in the action. *See South Carolina v. North Carolina*, 130 S.Ct. 854, 860-61 (2010). In a decision issued in January 2010, the Supreme Court sustained South Carolina's objections to the Special Master's order allowing the intervention. *Id.* at 867-68. Four Justices concurring in that aspect of the Court's judgment noted that a party denied leave to intervene often may participate usefully and effectively as an *amicus curiae*. *Id.* at 875-76 (opinion of Roberts, C.J.). *See also Arizona v. California*, 530 U.S. 392, 419, n.6 (2000); *Nebraska v. Wyoming*, 507 U.S. 584, 589-590 (1993).

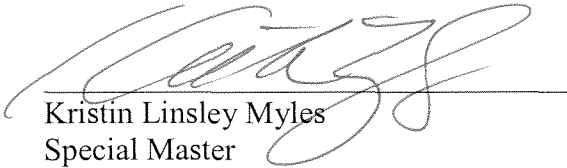
On April 23, 2010, the Special Master held a hearing on the City of Charlotte's Motion to Participate as an *Amicus Curiae*. Taking into consideration the materials and arguments presented in the Motion, the arguments of the other parties and of counsel in connection therewith, and good cause appearing, IT IS HEREBY ORDERED that the City of Charlotte may participate as *amicus curiae* in this proceeding, including through the following means:

1. Hearings and Conferences: Charlotte may attend and participate in hearings and conferences with the Special Master. It shall not be a requisite for scheduling such a hearing or conference that Charlotte or its counsel be available. The Special Master anticipates that Charlotte's participation during hearings and conferences will be limited.

2. Service: The parties will serve Charlotte with copies of all court papers and discovery, including documents produced pursuant to subpoena or document request, but in all events excluding confidential materials, unless Charlotte shall have entered into an agreement to the satisfaction of all parties providing for the confidentiality of such materials. To the extent there are costs associated with the production of such materials, Charlotte shall reimburse the producing party for all such costs.

3. **Depositions:** Charlotte may attend depositions but will not be permitted to question witnesses or assert objections. Charlotte may be asked to leave depositions or other proceedings when confidential materials will be discussed.

Dated: June 16, 2010



Kristin Linsley Myles
Special Master

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