

No. 138, Original

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In the  
**Supreme Court of the United States**

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STATE OF SOUTH CAROLINA,

*Plaintiff,*

v.

STATE OF NORTH CAROLINA,

*Defendant.*

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**JOINT PROPOSED CASE MANAGEMENT PLAN**

## **PROPOSED CASE MANAGEMENT PLAN**

### **1. Case Management Orders And Application Of Case Management Plan**

The Special Master will issue Case Management Orders (“CMOs”) following conferences with counsel and at such other times as she deems appropriate. This Case Management Plan (“CMP”), together with all CMOs, will apply to and bind both parties, will control the course of the proceedings and may be modified only by order of the Special Master.

### **2. Filing Of Papers**

#### **2.1. Submissions To The Special Master**

All documents shall be filed pursuant to the United States Supreme Court rules, except that all pleadings, papers and documents should be filed with the Special Master on 8 ½ x 11 inch paper, and except as otherwise modified by the Special Master. The parties shall make filings with the Special Master and service upon the other party by email in searchable PDF format, with duplicate copies of any materials transmitted by email also sent by first-class mail. In the event filings are too bulky, or are otherwise unsuitable for transmission by electronic means, they shall be sent by some means of overnight delivery. An original and four copies of each document sent in hard copy shall be filed with the Special Master. All pleadings, papers, and documents submitted to the Special Master shall be served on counsel for the other party in time for receipt on the same day that the Special Master receives them. Distribution need be made only to counsel and only in the quantities shown on the Distribution List attached hereto as Appendix A. All pleadings, papers, and documents submitted to the Special Master must indicate, in the certificate of service or elsewhere, the means by which service or transmittal has been accomplished.

## **2.2. Discovery Materials**

In order to keep the record free of discovery material that has not become evidence, all interrogatories, requests for production of documents, requests for admissions, responses and replies shall not be filed with the Special Master unless a party offers a particular sworn discovery response into evidence, uses such response to support or oppose a dispositive motion or requires a ruling on a discovery dispute that the parties have been unable to resolve. In such event, only those portions pertinent to the purpose shall be filed.

## **2.3. Depositions**

Depositions shall not be filed with the Special Master until offered and admitted into evidence or used to support or oppose a dispositive motion or to resolve a discovery dispute that the parties have been unable to resolve.

## **3. Status Conferences**

At such times as the Special Master may direct, there will be monthly status conferences by telephone. Two days in advance of each status conference, each party (either separately or, by agreement, jointly) shall submit by an email a progress report. The progress report shall update the status of each party's discovery efforts since the last update and describe any then unresolved disputes and list any further discovery anticipated during the current month. In addition, every progress report shall set forth the general status of the matter as it has evolved since the last progress report. The Special Master will schedule and hold additional status conferences as she deems necessary.

#### **4. Discovery**

##### **4.1. Bifurcated Discovery**

In the interest of minimizing litigation expense, this matter will be bifurcated as set out in a separate order. Notwithstanding the bifurcated nature of these proceedings, the parties will make best efforts to conduct all discovery efficiently, and any party may, for convenience, conduct discovery into matters relevant to Phase Two questions during Phase One. This CMP is generally addressed to discovery in Phase One. In the event these proceedings reach Phase Two, the parties shall meet and confer and propose such modifications to this plan as are necessary and mutually agreeable at that time.

##### **4.2. General**

Discovery will proceed on Phase One pursuant to Fed. R. Civ. P. 26-37 and 45, except as otherwise modified herein or by other order of the Special Master. Discovery will commence and be completed in accordance with the schedule stated herein, with all time periods to be computed hereunder in accordance with Fed. R. Civ. P. 6. Further discovery will be allowed beyond the schedule stated herein only upon motion to the Special Master and for good cause.

##### **4.3. Federal Rules Of Civil Procedure 26-37, And 45**

The Federal Rules of Civil Procedure applicable to discovery, Rules 26-37 and 45, shall govern the proceedings before the Special Master with the following exceptions:

###### **4.3.1. Rule 26(a)(1)**

The disclosures required in Rule 26(a)(1) will not apply.

**4.3.2. Rule 26(a)(2) - 26(a)(4)**

These portions of Rule 26 will apply, except insofar as they are trial-specific and except that: (i) all time schedules and deadlines will be determined by the Special Master; and (ii) because the provisions of Rule 26(a)(4) requiring the filing of documents with the court are inconsistent with this CMP, the filing of all documents with the Special Master shall be governed by this CMP.

**4.3.3. Rule 26(b)(5)**

**[South Carolina proposes the following language, to which North Carolina objects. See also § 7.] [North Carolina proposes that Rule 26(b)(5) be incorporated.]** Rule 26(b)(5) will not apply because the substance and timing of privilege logs is covered by section 7 of this CMP.

**4.3.4. Rule 26(c)**

Rule 26(c) will apply, except to the extent modified by section 9 of this CMP.

**4.3.5. Rule 26(f)**

Rule 26(f) will not apply.

**4.3.6. Rule 27**

Rule 27 will not apply.

**4.3.7. Rules 30(a)(2), 30(d)(1), Rule 31(a)(2), Rule 33(a)**

The limitations in Rules 30(a)(2), 30(d)(2), 31(a)(2) and 33(a) on the number and length of depositions and number of interrogatories will not

apply. The number of interrogatories and length of depositions will be as set forth in section 5 and Appendix B of this CMP.

**4.3.8. Rule 32(a)(4)(B)**

The 100-mile rule contained in Rule 32(a)(4)(B) will apply, unless otherwise agreed to by the parties and the witness or the Special Master so orders. *See* Rule 45, *infra*.

**4.3.9. Rule 45**

Rule 45 will apply with the exception that the subpoena power of the Special Master will not be limited geographically by the 100-mile rule.

The parties shall cooperate with each other in securing the attendance of witnesses for depositions and shall each give reasonable notice to the other party if a witness is recalcitrant and will require a subpoena.

**5. Substantive Discovery**

This discovery plan provides that substantive discovery on Phase One will proceed promptly and shall be concluded as expeditiously as reasonably practicable. To the extent possible, written discovery and the exchange of documents should be completed before deposition discovery begins. While there inevitably will be some overlap, the goal of this discovery plan is to proceed in an organized fashion that will avoid unnecessary or repetitive discovery efforts on the part of the parties.

Phase One discovery shall consist of a period of fact discovery, to be completed by **[[DATE]]**, followed by a period of expert discovery, to be completed by **[[DATE]]**, as set forth below.

**5.1. Written Discovery**

Written discovery shall consist of the following and, to the extent reasonably possible, follow the schedule set forth herein. Responses to written discovery are due 30 days from the date of service. Except with respect to contention interrogatories, or where otherwise permitted by the Special Master for good cause shown, all written discovery shall be propounded no later than 60 days prior to the close of fact discovery.

**5.2. Interrogatories**

(a) During the fact discovery period, each party may timely serve on any other party not more than 75 fact interrogatories, including discrete subparts. (b) In addition, each Party may serve no more than 30 contention interrogatories, labeled as such, on a date such that the response is due no later than the close of fact discovery. Without prior written approval of the Special Master, no additional interrogatories may be served.

**5.3. Requests for Production of Documents/Inspections to Parties**

Each party may serve requests for production of documents/inspections on the other party.

**5.4. Requests For Documents/Inspections To Non-Parties**

Starting immediately after the date of this CMP, each party may serve on non-parties requests for production of documents/requests for inspection as provided in Fed. R. Civ. P. Rules 34(c) and 45.

**5.5. Requests to Admit**

Each party may serve requests for admission on the other party.

**5.6. Deposition Discovery**

Unless otherwise permitted by the Special Master, fact/lay witness deposition discovery will occur in advance of expert deposition discovery. Fact/lay discovery may begin immediately upon entry of this CMP and shall be completed by the close of fact discovery. Depositions will be conducted in accordance with the guidelines attached hereto as Appendix B.

**5.7. Expert Discovery**

Within [[X]] days after the close of fact discovery, South Carolina shall serve any expert report(s) required by Rule 26(a)(2)(B). North Carolina shall serve any expert report(s) required by Rule 26(a)(2)(B) within [[Y]] days after service of South Carolina's initial expert reports. South Carolina shall have [[Z]] days after service of North Carolina's expert reports to serve rebuttal expert reports.

**5.8. Discoverability of Expert Materials**

Discovery of experts shall not extend to (a) draft expert reports, including revisions or mark-ups, notes, or other work product prior to the final report, on which the expert does not intend to rely in support of his or her opinion; (b) expert work completed solely for settlement discussion purposes; or (c) communications to, from, or in the presence of an attorney for the party expecting to call the expert as a witness, unless the expert is relying on the communication in support of his or her opinion. Within 15 days after serving an expert report, the party expecting to call the expert shall produce to the other parties copies of all documents relied upon by the expert in the preparation of his or her final report. Readily available public documents (like books, USGS reports, etc) need not be produced, provided



that they are referenced. Documents already produced may be referenced by their Bates numbers. To the extent possible all documents shall be produced in electronic format. Model codes (source and executable codes), documentation (including that imbedded in codes), and input and output data shall be produced in the electronic format originally used by the reporting expert. If evolving versions of models are used in sequential analyses, the party who expects to offer the expert witness's opinion shall clearly identify changes from one version to another. If proprietary models are used, the party offering the witness' opinion must still produce the source codes; but shall be entitled to an appropriate protective order.

**6. Bates Numbering System**

All documents produced by the parties shall bear a distinctive Bates number. Each State shall begin each Bates number with the two-letter abbreviation for the state as designated by the United States Postal Service. For example, a South Carolina Bates-numbered document will begin SC 00001. All documents produced by intervenor parties or non-parties shall state the identity of the intervenor party non-party by proper name or recognized abbreviation before the Bates number. No party shall use any document that has not been Bates-numbered and produced, except by agreement of the parties, for impeachment, or for other good cause shown.

**7. Privilege Logs**

**[South Carolina proposes the following language, to which North Carolina objects. See also § 4.3.3.] [North Carolina proposes that the production of privilege logs be governed by Rule 26(b)(5) of the Federal Rules of Civil Procedure.]** If a party withholds on the ground of privilege any written information (in hard copy or electronic form) it shall provide

a privilege log to opposing counsel. These privilege logs shall set forth the following information: (a) author's name, place of employment and job title; (b) addressee's name, place of employment and job title; (c) recipient's name, place of employment and job title, if different than that of addressee; (d) general subject matter of document; (e) site of document; and (f) nature of privilege claimed. Thereafter, any privilege log shall be supplemented to include any documents that are subsequently designated privileged by counsel.

**8. Confidentiality**

All documents or other tangible things containing a trade secret, protected personal information, sensitive public security information, or protected tax information may be designated "Confidential," so long as such documents have not been disclosed by the producing party to the public or third-parties who are not under a duty to protect the confidentiality of the information.

The term "trade secret" shall mean business or technical information, including but not limited to a formula, pattern, program, device, compilation of information, method, technique, or process that:

- a. Derives independent actual or potential commercial value from not being generally known or readily ascertainable through independent development or reverse engineering by persons who can obtain economic value from its disclosure or use; and
- b. Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The term "protected personal information" shall mean social security number; taxpayer identification number; drivers license or state identification number; passport number; checking

account, savings account, credit card or debit card number; personal identification (PIN) code or passwords or other personal account information protected by applicable law.

The term “sensitive public security information” shall mean sensitive information or documents, including specifications or drawings of infrastructure, that are protected by law from public disclosure for purposes of national security or public safety.

The term “protected tax information” shall mean tax related information (such as tax returns, tax reports, tax records, or audits conducted by a taxing authority) that is protected from disclosure by federal, state or local law.

Documents or portions of documents containing trade secrets, protected personal information, sensitive public security information, or protected tax information shall be so designated by stamping “Confidential – S. Ct. 138” on each page. Any party may contest the designation of a document as “Confidential,” or request that a document not otherwise covered by this CMP be considered confidential, by serving an objection to such designation. The objecting party and the producing party shall attempt in good faith to resolve the issue. If they are unable to resolve such dispute, it shall be the obligation of the party designating the items “Confidential” to move for a ruling regarding the propriety of the designation. The party requesting confidentiality shall have the burden of showing that such designation is appropriate. At a deposition, or within ten (10) business days after receipt of the transcript, a party may designate as confidential any trade secret, protected personal information, sensitive public security information or confidential tax information and such designation shall be served on all counsel. Confidentiality objections need not be made at a deposition and they shall not be a ground for a direction or refusal to answer, but counsel may indicate such designation during the deposition and the parties shall govern themselves accordingly. Depositions and transcripts will

be considered to be confidential until expiration of the ten (10)-day period and thereafter as to any part or all so designated. Any individual not authorized by this CMP to be a recipient of confidential information may be excluded from a deposition while such information is being elicited. In the event that a producing party wishes to have documents other than trade secrets, protected personal information, sensitive public security information or confidential tax information treated as “confidential” pursuant to this CMP, the producing party shall promptly move the Special Master for an appropriate protective order.

Confidential documents or information subject to this CMP may not be disclosed to or used by anyone except those hereby authorized and by them only in the context of this case. Such individuals shall include counsel, the parties’ specifically authorized employees, experts, and fact witnesses, together with such others as are approved by the Special Master. Each individual who is permitted to see such confidential documents, or given access to such confidential information, shall be bound to observe the provisions of this CMP with respect to all documents and information produced through these proceedings by signing a Non-Disclosure Agreement in a form agreed upon by the parties or approved by the Special Master if the parties cannot agree. The Non-Disclosure Agreement shall include an agreement to submit to the Special Master’s jurisdiction for enforcement of this portion of the CMP and to return all such designated documents and information promptly at the end of the litigation.

**9. Resolution Of Discovery Disputes And Motions To Quash And Seek Protective Orders**

Before bringing a discovery dispute to the attention of the Special Master, the parties shall confer in an attempt to resolve the dispute. It shall be the responsibility of the moving party to initiate the conference promptly following the identification of the dispute. Failure promptly to initiate the conference, failure to respond promptly to the initiation or failure to cooperate in

dispute resolution may result in an adverse ruling regardless of the merits. If the conferences do not resolve the dispute, the procedure for resolving the discovery dispute shall be as follows:

**9.1. Written Discovery Disputes**

**9.1.1. Failure to timely respond to written discovery requests**

In the event that timely responses to written interrogatories or document requests are not forthcoming, the proponent of the discovery should promptly file a motion to compel, which shall set forth the date the discovery was served and the due date for the responses, together with an averment of the default. No brief or copy of the interrogatories or document requests should accompany the motion. Upon receipt of such a motion, the Special Master, without waiting for a response, may enter an order directing the discovery to be provided by a certain date and including such sanctions as she deems appropriate.

**9.1.2. Disputes Regarding Discovery Objections Or Adequacy Of Responses**

In the event of a discovery dispute – in contrast to a default – arising by reason of the respondent’s objections or concerning the adequacy of responses to interrogatories, document requests, requests to inspect, or requests to admit, the parties shall promptly and in good faith exert every reasonable effort to resolve their differences. Where objections are made, the objecting party shall provide all

other discovery that such party does not consider to be objectionable. As a last resort, any unresolved dispute shall be submitted to the Special Master as follows:

**9.1.2.a.** The parties shall first submit the dispute orally by telephone.

**9.1.2.b.** If the dispute is not resolved telephonically, the parties shall make a written submission setting forth as to each individual discovery item in dispute the interrogatory, document request, request to inspect or request to admit, together with the answer or response, including any objection, as well as the parties' respective positions on a schedule set by the Special Master. These shall be set forth in sequence and, if practicable, on a single page and, in any event, separate and apart from any other discovery dispute. Case citations and other authority should be included.

## **10. Deposition Disputes**

### **10.1 General Procedures**

Except as is expressly provided in paragraph 11.2 below, discovery disputes that arise during a deposition shall be resolved by submission to the Special Master, according to the same procedure set forth in section 9 governing disputes in regard to the adequacy of responses to written discovery.

## **10.2. Disputes That Require Immediate Resolution**

Where a dispute arises at a deposition and a party believes that an immediate resolution is necessary to avoid the re-scheduling of the deposition or a significant disruption of the discovery schedule, the Special Master shall be telephoned.

**10.2.1.** If the Special Master is available and a telephone conference is held, the ruling of the Special Master shall be recorded in the deposition. The deposition shall proceed according to such ruling or direction. If the ruling or direction is that a witness must answer a question or questions despite an objection based upon claim of privilege or work product, the objecting party shall not be deemed to have withdrawn or waived its objection.

**10.2.2.** If the Special Master is not available by telephone during the deposition, the dispute shall be noted for the record and the deposition shall proceed with respect to all other issues. Thereafter, the dispute shall be presented to the Special Master as provided in section 9.

## **11. Disputes Not To End Deposition**

Under no circumstances shall any party refuse to continue participating in a deposition because of the unavailability of the Special Master to resolve a dispute telephonically.

## **12. Motions To Quash Or For Protective Orders**

The following procedures are to be employed in situations where subpoenaed persons or entities desire to move to quash a subpoena or seek a protective order from the demand of a subpoena.

### **12.1 Subpoenaed Parties**

If the subpoenaed entity or person is a party or the employee of a party, then the entity or person must seek appropriate relief from the Special Master pursuant to the procedures for resolving written discovery disputes in section 9.

### **12.2. Subpoenaed Entities Or Persons Who Are Not Parties**

When a party subpoenas a person or entity, the party issuing the subpoena should serve upon the subpoenaed person or entity, along with the subpoena, a copy of section 9 of this CMP. The subpoenaed person or entity may seek relief under this CMP, by submitting the dispute to the Special Master pursuant to the procedures for resolving written discovery disputes in section 9.

## **13. Dispositive Motions**

Motions to dismiss or motions for summary judgment may be filed at any time after the completion of deposition discovery in Phase One, but in no event later than **[date]**.



**APPENDIX A**  
***South Carolina v. North Carolina, No. 138, Original***  
**Service List**

**Special Master**

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**North Carolina**

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**APPENDIX B**  
*South Carolina v. North Carolina, No. 138, Original*  
**Deposition Guidelines**

1. **Cooperation**

Counsel will cooperate with each other and exercise civility in all aspects of this litigation.

2. **Waiver Stipulations**

Unless contrary to an order of the Special Master, the parties (and when appropriate, a non-party witness) may stipulate, in a suitable writing, to alter, amend, or modify any practice relating to noticing, conducting, or filing a deposition. Stipulations for any discovery beyond discovery cutoffs or deadlines set by the Special Master are not valid without approval of the Special Master.

3. **Scheduling**

Except in extraordinary circumstances, noticing counsel shall consult in advance with counsel for the deponent, if any, and with opposing counsel, so as to schedule depositions at mutually convenient times and places.

4. **Attendance**

**4.1 Who May Be Present**

**[South Carolina proposes the following language, to which North Carolina objects. See also § 5.7] [North Carolina proposes that, in the event an issue arises with respect to who may attend a deposition, the issue be resolved on a case-by-case basis as contemplated by Rule 26(c)(1)(E) of the Rules of Civil Procedure.] Unless otherwise ordered under Fed. R. Civ. P. 26(c), depositions may be attended by counsel of record, members and employees of their firms,**

attorneys specially engaged by a party for purposes of the deposition, the parties or the representative of a party (or intervenor-party if the subject of the deposition is within the limited purpose of that entity's intervention in the suit), including counsel from the offices of the respective attorneys general, counsel for the deponent, and expert consultants or witnesses. During examination of a deponent about any document stamped "Confidential – S. Ct. 138" or its confidential contents, persons to whom disclosure is not authorized under section 8 of this CMP shall be excluded.

#### **4.2 Cross-Noticing**

A party may cross-notice a deposition. The cross-notice shall be served at least ten (10) days prior to the date noticed for the deposition unless otherwise provided for by an applicable rule or Case Management Order. When a cross notice is served, the parties shall divide the transcription fees and costs in proportion to the length of the examination by each party. In the event of a cross-notice, the total time of the deposition shall not exceed 12 hours, except by agreement of the parties or order of the Special Master.

### **5. Conduct**

#### **5.1 Examination**

Ordinarily, each party should designate one attorney to conduct the principal examination of the deponent. Examination by other attorneys should be limited to situations where designated counsel must leave before the deposition is completed or is otherwise incapacitated.

## **5.2 Objections and Directions Not to Answer**

Counsel shall comply with Fed. R. Civ. P. 30(d)(1). When a claim of privilege is made, the witness should nevertheless answer questions relevant to the existence, extent or waiver of the privilege, including (without limitation) the date of a communication, who made the statement, to whom and in whose presence the statement was made, other persons to whom the contents of the statement have been disclosed, and the general subject matter of the statement, unless such information is itself privileged.

## **5.3 Time Limitations**

Except with prior agreement of counsel or written approval of the Special Master, no deposition may last longer than one (1) seven (7) hour day, provided that no such agreement of counsel may extend any discovery deadline. At the time a deposition is noticed, the noticing party will estimate the reasonable amount of time needed for the deposition. In the event any other party considers the proposed amount of time to be unreasonable, the dispute, if unresolved, may be referred to the Special Master pursuant to section 9 of this CMP.

## **5.4 Continuation of Deposition**

If a deposition is not finished by the end of the business day, it will continue on the following business day, subject to the availability of the witness and time limitations otherwise set by agreement or order of the Special Master. The parties may agree to continue or suspend a deposition until a mutually agreed upon later date, provided that the later date is within any discovery deadline set by the Special Master.

## **6. Documents**

### **6.1 Production of Documents**

All documents should be requested and produced pursuant to sections 5.3 and 5.4 of this CMP. If a non-party witness is believed to have documents not previously produced, a subpoena to produce documents should be served at least thirty (30) days before the scheduled deposition. Arrangements should be made to permit inspection of the documents by both parties before the deposition begins. Any documents produced in such a manner should be Bates numbered pursuant to section 6 of the CMP.

## **7. Videotaped Depositions**

By request in its notice of a deposition, a party may record the deposition as permitted under Fed. R. Civ. P. 30(b)(3) through (4).

### **7.1 Video Operator**

The operator(s) of the videotape recording equipment shall be subject to the provisions of Fed. R. Civ. P. 28(c). At the commencement of the deposition, the operator(s) shall swear or affirm to record the proceedings fairly and accurately.

### **7.2 Attendance**

Each witness and each examining attorney shall be identified on camera at the commencement of the deposition. All others present at the deposition shall be identified off-camera. Thereafter, generally speaking, only the deponent (and demonstrative materials used during the deposition) shall be videotaped.

### **7.3. Standards**

Unless physically incapacitated, the deponent shall be seated at a table or in a witness box other than when reviewing or presenting demonstrative materials for which a change in position is needed. The deposition should be conducted in a neutral setting, with only such lighting as is required for accurate video recording. Lighting, camera angles, lens setting, and field of view should be changed only as necessary to record accurately the natural body movements of the deponent or to portray exhibit and materials used during the deposition. Sound levels should be altered only as necessary to record satisfactorily the voices of counsel and the deponent. No eating or smoking by deponents or counsel should occur during the deposition.

### **7.4 Interruptions**

The videotape shall run continuously throughout the active conduct of the deposition. Videotape recording shall be suspended during agreed “off the record” discussions.

### **7.5 Index**

The videotape operator shall use a counter on the recording equipment and, after completion of the deposition shall prepare a log, cross-referenced to counter numbers.

### **7.6 Filing**

The operator shall send the original videotape in its original condition to the deposing party in a sealed envelope.

### **7.7 Objections**

Requests for ruling on the admissibility of evidence obtained during a videotaped deposition shall be accompanied by appropriate pages of the written transcript.

Each issue shall be separately submitted. If needed for a ruling, a copy of the videotape shall also be made available to the Special Master.

### **8. Telephonic Depositions**

By stating in the deposition notice that it wants to conduct the deposition by telephone, a party shall be deemed to have moved for an order under Fed. R. Civ. P. 30(b)(7). Except where the parties agree to a shorter period, notice of a telephonic deposition shall be served at least thirty (30) days before the deposition. Unless an objection is filed and served at least twenty (20) days before the deposition, the motion shall be deemed to have been granted. Other parties may examine the deponent telephonically or in person. All persons present with the deponent shall be identified in the deposition and shall not by word, or otherwise, coach or suggest answers to the deponent. The parties agree that when a live deposition has been properly noticed, but because of extenuating circumstances there arises a need to conduct the deposition telephonically, consent to conduct the deposition telephonically shall not be unreasonably withheld.

### **9. Use**

Under the conditions prescribed in Fed. R. Civ. P. 32(a)(1) to (4), as otherwise permitted by the Federal Rules of Evidence, or as agreed to by the parties with approval of the Special Master, depositions may be used against either party.

### **10. Supplemental Depositions**

To the extent a deponent acquires new information, or forms new opinions, or finds new grounds to support previous opinions, any party may move for a supplemental deposition. Such

motion shall be made for good cause shown within thirty (30) days of a party's learning of the new information, opinion or grounds from supplemental discovery responses provided under Rule 26(e) of Federal Rules of Civil Procedure or any other source. If permitted, the supplemental deposition shall be treated as the resumption of the deposition previously taken. However, the supplemental deposition itself shall not exceed four (4) hours in the absence of agreement of the parties or order of the Special Master. Supplemental depositions shall be reasonably limited to addressing the new information, new opinions, or new grounds that justified the taking of the supplemental deposition. Supplemental deposition examination shall not be repetitive of prior examination.

**11. Rulings**

Rulings on objections made during a deposition will be resolved according to the procedure set forth in section 10 of the CMP.