



UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
KENTUCKY · TENNESSEE · OHIO · MICHIGAN

EUGENE E. SILER, JR.
UNITED STATES CIRCUIT JUDGE
310 SOUTH MAIN STREET, SUITE 333
LONDON, KENTUCKY 40741

(606) 877-7930
FACSIMILE (606) 877-7935
EUGENE_E_SILER@CA6.USCOURTS.GOV

August 12, 2016

Via Email

Re: Memorandum of Decision and Case Management Order, *Mississippi v. Tennessee*, No. 143, Original

Dear Counsel:

I write to provide you with a memorandum of decision regarding the pending motions in the case and a case management order. The memorandum concludes that the defendants' motions to dismiss should be denied at this stage and that an evidentiary hearing should be held on the limited—and potentially dispositive—issue of whether the water at issue in the case is interstate in nature.

This leaves us with the question of how to proceed in this matter. In original actions, Special Masters sometimes submit Interim Reports to be considered by the full Court before disposing of all the issues in the case. My chambers has been in contact with the Clerk of the Supreme Court, who has advised that considerations of efficiency and judicial economy should guide my decision of whether to file an Interim Report, as in considering whether to permit an interlocutory appeal.

My initial impression is that the most efficient course for everyone would be to hold the evidentiary hearing and issue a Report, whether Final or Interim, afterwards. Per the attached case management order, however, I am providing the parties fourteen days to confer and advise me of their position or positions on this matter.

Sincerely,


Eugene E. Siler, Jr.