



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

December 11, 2015

**Via Email and U.S. Mail**

C. Michael Ellingburg, Sr.  
Daniel Coker Horton & Bell, P.A.  
440 Old Canton Road, Suite 400  
Jackson, MS 39211  
(601) 969-7607  
[mellingburg@danielcoker.com](mailto:mellingburg@danielcoker.com)

Cheryl White Patterson  
220 South Main Street  
Memphis, TN 38103  
(901) 528-7651  
[cpatterson@mlgw.org](mailto:cpatterson@mlgw.org)

Herman Morris, Jr.  
City Attorney  
125 North Main Street, Room 336  
Memphis, TN 38103  
(901) 636-6614  
[cityattorney@memphistn.gov](mailto:cityattorney@memphistn.gov)

Herbert H. Slatery, III  
Attorney General  
425 Fifth Avenue North  
Nashville, TN 37243  
(615) 741-3491  
[tnattygen@ag.tn.gov](mailto:tnattygen@ag.tn.gov)

William Barry Turner  
Deputy Attorney General  
425 Fifth Avenue North  
Nashville, TN 37243  
(615) 532-2586  
[barry.turner@ag.tn.gov](mailto:barry.turner@ag.tn.gov)

Leo M. Bearman  
Baker, Donelson, Bearman, Caldwell &  
Berkowitz, P.C.  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
(901) 577-2000  
[lbearman@bakerdonelson.com](mailto:lbearman@bakerdonelson.com)

David C. Frederick  
Kellogg, Huber, Hansen, Todd, Evans & Figel,  
P.L.L.C.  
1615 M Street, N.W., Suite 400  
Washington, DC 20036  
(202) 326-7900  
[dfrederick@khhte.com](mailto:dfrederick@khhte.com)

Donald B. Verrilli, Jr.  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001  
(202) 514-2217  
[SupremeCtBriefs@USDOJ.gov](mailto:SupremeCtBriefs@USDOJ.gov)

Re: Initial Conference, *Mississippi v. Tennessee*, No. 143, Original

Dear Counsel:

As you are aware, I have been appointed Special Master in *Mississippi v. Tennessee*, No. 143, Original. So that we may expeditiously proceed in this matter, I have scheduled an in-person conference for January 26, 2015. The conference may take place in Knoxville, Tennessee; Nashville, Tennessee; or Lexington, Kentucky, depending on courtroom availability and the parties' preference. Alternatively, you may suggest another suitable location if these cities are objectionable. Please contact my chambers by December 18, 2015, if you wish to express a preference for the location of the conference or if you have an unavoidable scheduling conflict.

I am sending this letter by email and hard copy, which will follow, to the counsel of record shown on the Supreme Court's docket. If other counsel should be notified, please do so.

The agenda for the conference is as follows:

1. Introduction and identification of counsel of record;
2. Identification of the individuals to be served, the number of copies to be served, and the method of service as the matter proceeds;
3. Agreement on methods of communication, e.g., email, overnight delivery, facsimile, U.S. Mail;
4. Identification of any potential requests to intervene and to participate as amicus curiae;
5. Identification of issues of fact and law, especially any threshold or potentially dispositive issues;
6. Identification of any anticipated preliminary motions;
7. Discussion of the anticipated discovery process in the case;
8. Process for drafting and approval of a Case Management Plan<sup>\*</sup>; and

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<sup>\*</sup> A Case Management Plan is a document that will be adopted by a Case Management Order ("CMO") and used to control the course of the proceedings. It will include any agreements between the parties concerning aspects of the course of the litigation and will go into effect only when the adopting CMO is issued. At a minimum, it will include:

- a. Identification of the governing procedural rules, including any Federal Rules of Civil Procedure and Federal Rules of Evidence that will be followed;
- b. A timeline of events and deadlines, e.g., deadlines for serving discovery requests and filing preliminary motions;
- c. Guidelines for formatting submitted documents, e.g., caption, length, number of copies, and labeling exhibits;
- d. Description of how discovery, if any, will take place and what copies of discovery materials should be submitted to the Special Master during the discovery period;


9. Any other matters the parties wish to raise.

Before the conference, I urge you all to confer and identify matters that you may stipulate to and discuss items you may want included in the Case Management Plan. I am hopeful that you will be able to reach an agreement on most issues we will need to address. Nevertheless, it is of utmost importance that those issues be clearly identified during the conference. The more collaboration that takes place before the conference, the easier it will be to address any remaining unresolved matters.

I will have a court reporter present to record our discussions.

I look forward to meeting you all on January 26, 2015, at a location to be determined.

Sincerely,

A handwritten signature in blue ink that reads "Eugene Siler". The signature is written in a cursive style with a large initial "E".

Eugene E. Siler, Jr.

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- e. The dates for conclusion of each phase of discovery;
  - f. The taking of evidence, if necessary;
  - g. The date of any evidentiary hearing, if necessary;
  - h. The location or locations at which in person status conferences or hearings will take place;
  - i. The method of resolving any procedural disputes.