

No. 143, Original

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**IN THE SUPREME COURT OF THE UNITED STATES**

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STATE OF MISSISSIPPI,  
*Plaintiff,*

v.

STATE OF TENNESSEE, CITY OF MEMPHIS, TENNESSEE,  
AND MEMPHIS LIGHT, GAS & WATER DIVISION,  
*Defendants.*

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**ORDER APPROVING  
CONTINUANCE OF EVIDENTIARY HEARING AND REVISING  
SCHEDULING ORDER**

This matter is before the undersigned on the oral motion of Plaintiff for a continuance of the January 2019 evidentiary hearing. After hearing from the parties during a telephonic conference held January 2, 2019, the undersigned finds and orders as follows:

1. Pursuant to the corrected Pre-Hearing Scheduling Order (Dkt. No. 69), an evidentiary hearing was scheduled to commence on January 15, 2019. Plaintiff has advised the undersigned that one of its expert witnesses, David A. Wiley, is unable to attend the hearing due to a medical problem and has requested a continuance and rescheduling of the hearing. Plaintiff's motion for continuance will be granted pursuant to certain conditions as set forth hereinafter.

2. The evidentiary hearing is now scheduled to commence on Monday,

May 20, 2019, and to conclude on Friday, May 24, 2019. Unless otherwise specified by the Special Master, the proceeding shall be in session each day from 9:00 a.m. to 5:00 p.m., with breaks for lunch and as necessary. Each party will have no more than 15 minutes to make an opening statement. Except as may be otherwise ordered by the Special Master: Plaintiff shall have up to 20 hours total for its direct and redirect examination of its witnesses, cross-examination of Defendants' witnesses, and any rebuttal; and Defendants collectively shall have up to 20 hours total for their direct and redirect examinations of their witnesses, and cross-examinations of Plaintiff's witnesses, and any rebuttal.

3. In the event Mr. Wiley is not able to testify in person during the May 20, 2019, hearing, then Mississippi will present his testimony through an offer of his reports (initial and rebuttal) and, subject to the conditions below, by the affidavit submitted by Mr. Wiley which appears in the record as Exhibit 3 to Mississippi's response to Defendants' Motion to Exclude the Testimony and Opinions of David A. Wiley (Dkt. No. 84). If Plaintiff chooses to include the aforementioned affidavit as part of its direct examination, Defendants shall have the right to re-depose Mr. Wiley concerning the matters in the affidavit. Plaintiff shall notify Defendants' counsel whether Mr. Wiley will testify in person and, if not, whether it intends to present his affidavit no later than 30 days before the pre-hearing conference.

4. The evidentiary hearing shall be held at the United States District Courthouse for the Middle District of Tennessee, at Nashville, in a courtroom to be designated later.

5. The pre-hearing conference currently scheduled to be held on January 8, 2019, is hereby continued, and will be held on May 15, 2019, at a time to be later determined.

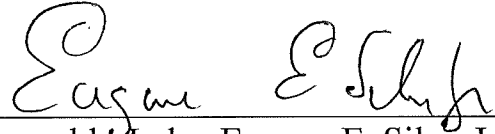
6. The parties shall file a list of all exhibits by January 18, 2019, and all exhibits shall be pre-marked. Plaintiff's exhibits shall be numbered with a "P" sequence (starting with "P-1"), and Defendants' exhibits shall be submitted collectively and numbered with a "D" sequence (starting with "D-1"). Joint exhibits shall be numbered with a "J" sequence (starting with "J-1").

7. The parties' joint exhibit list ("Exhibit List") shall be in spreadsheet form, either Excel or Word format. The Exhibit List shall contain columns for "Offered," "Objection," and "Admitted." On the Exhibit List, the parties shall mark exhibits to which objection has been made, and the basis for the objection.

8. Closing arguments shall be scheduled after the submission of post-trial briefing as set out in Dkt. No. 69, Section IV.

9. The Court will hold a telephonic status conference at a date and time to be determined, but no later than 2 weeks before the pre-hearing conference.

**IT IS SO ORDERED, THIS 14th DAY OF JANUARY, 2019.**

A handwritten signature in cursive script, reading "Eugene E. Siler, Jr.", written in black ink.

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The Honorable Judge Eugene E. Siler, Jr.  
Special Master