

No. 143, Original

IN THE
Supreme Court of the United States

STATE OF MISSISSIPPI,
Plaintiff,

v.

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

**JOINT PROPOSAL ON PROCEDURE AND
SCHEDULE FOR CLOSING ARGUMENTS**

In accordance with the Special Master’s Order of September 23, 2019 [Doc. No. 120], Plaintiff, the State of Mississippi (“Mississippi”), and Defendants, the State of Tennessee (“Tennessee”), the City of Memphis, Tennessee, and Memphis Light, Gas & Water Division (“Memphis/MLGW”) (collectively, the “Parties”), respectfully propose the following with respect to closing arguments:

A. PROCEDURE FOR CLOSING ARGUMENTS

1. The Parties propose that the order of closing arguments shall be Mississippi first, Tennessee second, Memphis/MLGW third.
- 2.a. *Plaintiff’s Proposal:* Plaintiff suggests the following time limits for the Parties’ respective closing arguments:

Mississippi: 90 minutes (with right to reserve rebuttal time).

Tennessee: 60 minutes (no rebuttal).

Memphis/MLGW: 30 minutes (no rebuttal).

- 2.b. *Defendants' Proposal***: Defendants suggest the following time limits for the Parties' respective closing arguments:

Mississippi: 90 minutes argument / 10 minutes rebuttal.

Tennessee: 60 minutes argument / 10 minutes rebuttal.

Memphis/MLGW: 30 minutes argument / 10 minutes rebuttal.

Rebuttal shall be in the same order.

- 3.** The Parties each intend to present exhibits or demonstratives during closing arguments and will require courtroom technology similar to that used at the evidentiary hearing.

B. SCHEDULE

- 1.** The Parties estimate that 3.5 hours of argument time, not including transition time and breaks, will be needed for the completion of closing arguments. The Parties respectfully propose the following general schedule for the day of closing arguments:

- 9:00-9:30: Preliminary matters.
- 9:30-11:00: Mississippi closing argument.
- 11:00-11:15: Morning recess.
- 11:15-12:15: Tennessee closing argument.

- 12:15-1:45: Lunch recess.
 - 1:45-2:15: Memphis/MLGW closing argument.
 - 2:15-2:30: Afternoon recess.
 - 2:30-3:00: Rebuttals in same order as arguments (if granted).
2. The Parties are available for closing arguments February 24, 2020 - February 28, 2020.
 3. The Parties request in-person closing arguments and suggest Nashville, Tennessee, as the location.

C. CONFERENCES BEFORE CLOSING ARGUMENT

1. The Parties do not anticipate any need for a telephonic or in-person conference prior to closing arguments.

Respectfully and jointly submitted, this 11th day of October, 2019:

/s/ C. Michael Ellingburg
Lead Counsel for Plaintiff State of Mississippi

/s/ David C. Frederick
Lead Counsel for Defendant State of Tennessee

/s/ Leo M. Bearman
*Lead Counsel for Defendants City of Memphis
and Memphis Light Gas & Water Division*