

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff*,

v. Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al.*, *Defendants*

August 13, 2018

JOINT PROPOSAL FOR CASE MANAGEMENT ORDER NO. 4

In light of the Parties' agreement to extend the deadline to produce reports from retained expert witnesses by 30 days, the Parties hereby submit this revised Case Management Order that reflects the new Case Schedule in Section III.B. The Case Management Order remains the same in every other respect. The Parties agree to comply with, and respectfully request that the Court order, the following:

I. WHO WILL BE SERVED AND METHOD OF SERVICE

The Parties have agreed that all communications and service will be made by email on the service list (as revised) that was previously filed with the Clerk of the Second Circuit, Catherine Wolfe, and which is also attached hereto as Exhibit A. Counsel of Record are indicated on the service list by asterisk (*).

Lead counsel for the various state groups are as follows:

Counsel for Delaware:

Steven S. Rosenthal (srosenthal@loeb.com)

Tiff Moseley (tmoseley@loeb.com)

Counsel for Pennsylvania:

Matthew H. Haverstick (mhaverstick@kleinbard.com)

Counsel for Wisconsin:

Misha Tseytlin (tseytlinm@doj.state.wi.us)

Counsel of Record for Plaintiff States in 220146:

Nicholas Bronni (nicholas.bronni@arkansasag.gov)

Counsel for Texas:

Patrick Sweeten (patrick.sweeten@oag.texas.gov)

Todd Disher (todd.disher@oag.texas.gov)

Counsel for California:

Aimee Feinberg (aimee.feinberg@doj.ca.gov)

Craig Rust (craig.rust@doj.ca.gov)

Counsel for MoneyGram:

Michael Rato (mrato@mdmc-law.com)

II. PROCEDURAL RULES TO BE FOLLOWED

The Parties agree that this matter should be generally governed by the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York. The Parties agree that all submissions to the Special Master as well as discovery requests exchanged between the Parties will use the caption attached hereto as Exhibit B and will be served and filed electronically. The Parties further agree that the discovery process and proposed case schedule set out below may be amended by stipulation of all the Parties or upon motion demonstrating good cause.

III. DISCOVERY PROCESS

A. Process Generally

The Parties agree as follows:

1. The ordinary tools of discovery available under the Federal Rules of Civil Procedure should be used in this matter.
2. All discovery shall be coordinated with the lead case counsel identified in Section I above, including any necessary discovery from third parties.
3. Plaintiff will prepare a uniform set of discovery requests to serve on each Defendant state, but Plaintiff is not waiving its right to send individualized requests should the need arise.
4. Defendants will prepare a uniform set of discovery requests on behalf of all Defendant states to serve on Plaintiff, but Defendants are not waiving their right to send individualized requests should the need arise.

5. The Parties agree to discuss and propose in a separate order terms governing the confidentiality of documents produced in this matter.

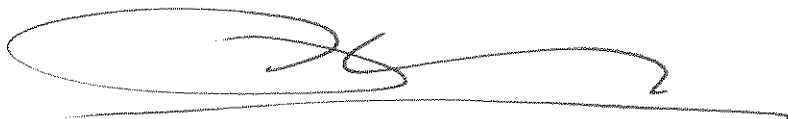
6. The Parties agree to discuss and propose in a separate order terms governing the production of electronically stored information ("ESI") in this matter.

B. Case Schedule

The Parties request that the Court enter a Case Management Order setting the following schedule:

1. **Initial disclosures due:** 21 days from the entry of the Case Management Order.
2. **Final date for joining additional parties:** 30 days from the entry of the Case Management Order.
3. **Final date for amending pleadings:** 30 days from the entry of the Case Management Order.
4. **Initial written discovery to be served:** 45 days from the entry of the Case Management Order.
5. **Discovery, including fact depositions and third party practice, to be completed by:** June 25, 2018.
6. **Reports from Retained Experts Due:** September 24, 2018.
7. **Expert Deposition Deadlines:** November 23, 2018.
8. **Dispositive Motions Due:** January 14, 2019.
9. **Tentative Trial Date:** Q2 2019.

So ordered:



Special Master

Aug. 13, 2018

Respectfully submitted,	Respectfully submitted,
<p>Steven S. Rosenthal Tiffany R. Moseley J.D. Taliaferro LOEB & LOEB LLP 901 New York Avenue NW Washington, D.C. 20001 Ph: (202) 618-5000 Fax: (202) 618-5001 Eml: srosenthal@loeb.com tmoseley@loeb.com jtaliaferro@loeb.com</p> <p>Marc S. Cohen LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, CA 90067 Ph: (310) 282-2000 Fax: (310) 282-2200 Eml: mscohen@loeb.com</p> <p>MATTHEW P. DENN Attorney General of Delaware</p> <p>AARON R. GOLDSTEIN State Solicitor</p> <p>Jennifer R. Noel Caroline Lee Cross Delaware Department of Justice Department of Finance Carvel State Office Building 820 North French Street Wilmington, DE 19801 Ph: (302) 577-8842 Eml: Jennifer.Noel@state.de.us Caroline.Cross@state.de.us</p> <p><i>Counsel for Delaware</i></p>	<p>Matthew H. Haverstick Mark E. Seiberling Joshua J. Voss KLEINBARD LLC One Liberty Place, 46th Floor 1650 Market Street Philadelphia, PA 19103 Ph: (215) 568-2000 Fax: (215) 568-0140 Eml: mhaverstick@kleinbard.com mseiberling@kleinbard.com jvoss@kleinbard.com</p> <p><i>Counsel for Pennsylvania</i></p>

Respectfully submitted,	Respectfully submitted,
<p>Brad D. Schimel Attorney General Misha Tseytlin Solicitor General <i>Counsel of Record</i> STATE OF WISCONSIN DEPARTMENT OF JUSTICE 17 West Main Street Madison, WI 53703 tseytlinm@doj.state.wi.us (608) 267-9323</p> <p><i>Counsel for Wisconsin</i></p>	<p>Nicholas J. Bronni Arkansas Deputy Solicitor General OFFICE OF THE ARKANSAS ATTORNEY GENERAL 323 Center Street, Suite 200 Little Rock, Arkansas 72201 (501) 682-6302 Nicholas.Bronni@arkansasag.gov <i>Counsel of Record for Plaintiff States in 220146</i></p> <p>Patrick K. Sweeten Senior Counsel for Civil Litigation Todd Lawrence Disher Special Counsel for Civil Litigation OFFICE OF THE ATTORNEY GENERAL OF TEXAS P.O. Box 12548 (MC 001) Austin, TX 78711-2548 (512) 463-4139 (512) 936-2266 Patrick.Sweeten@oag.texas.gov Todd.Disher@oag.texas.gov <i>Counsel for Texas</i></p> <p>Aimee Feinberg Deputy Solicitor General Craig D. Rust Deputy Attorney General CALIFORNIA DEPARTMENT OF JUSTICE 1300 I Street Sacramento, CA 95814 (916) 322-0253 Craig.Rust@doj.ca.gov <i>Counsel for California</i></p>

EXHIBIT AService List for *Delaware v. Arkansas, et al.*, 220145 & 220146 (consolidated)

State	Attorney	Email Address
Alabama	Andrew Brasher	abrasher@ago.state.al.us
Alabama	Corey Maze	cmaze@ago.state.al.us
Arkansas	Nicholas Bronni*	nicholas.bronni@arkansasag.gov
Arkansas	Lee Rudofsky	lee.rudofsky@arkansasag.gov
Arizona	Dominic Draye	dominic.draye@azag.gov
Arizona	Adela Johnson	adela.johnson@azag.gov
Arizona	Dave Cole	dave.cole@azag.gov
California	Aimee Feinberg	aimee.feinberg@doj.ca.gov
California	Craig Rust	craig.rust@doj.ca.gov
Colorado	Amy Holston	amy.holston@coag.gov
Colorado	LeeAnn Morrill	leeann.morrill@coag.gov
Colorado	Glenn Roper	grant.sullivan@coag.gov
Colorado	Grant Sullivan	glenn.roper@coag.gov
Colorado	Fred Yarger	fred.yarger@coag.gov
Florida	Amit Agarwal	amit.agarwal@myfloridalegal.com
Florida	Chesterfield Smith, Jr.	chesterfield.smith@myfloridalegal.com
Florida	Al Bowden	Al.Bowden@myfloridalegal.com
Florida	Jordan Pratt	jordan.pratt@myfloridalegal.com
Idaho	Brian Kane	brian.kane@ag.idaho.gov
Indiana	Tom Fisher	tom.fisher@atg.in.gov
Indiana	Lara Langeneckert	lara.langeneckert@atg.in.gov
Iowa	David Faith	david.faith@iowa.gov
Iowa	Jeffrey Thompson	jeffrey.thompson@iowa.gov
Kansas	Jeff Chanay	jeff.chanay@ag.ks.gov
Kentucky	Travis Mayo	travis.mayo@ky.gov
Louisiana	Elizabeth Murrill	murrille@ag.louisiana.gov
Louisiana	Margaret Collier	collierma@ag.louisiana.gov
Maryland	Renee Nacrelli	rnacrelli@comp.state.md.us
Michigan	Aaron Lindstrom	lindstroma@michigan.gov
Michigan	Eric Restuccia	restucciae@michigan.gov
Montana	Dale Schowengerdt	dales@mt.gov

Nebraska	Dave Bydalek	dave.bydalek@nebraska.gov
Nevada	Lawrence VanDyke	lvandyke@ag.nv.gov
Nevada	Bryan Stockton	bstockton@ag.nv.gov
North Dakota	David Garner	dpgarner@nd.gov
North Dakota	Troy Seibel	tseibel@nd.gov
Ohio	Keith O'Korn	keith.o'korn@ohioattorneygeneral.gov
Ohio	Eric Murphy	eric.murphy@ohioattorneygeneral.gov
Ohio	Susan Walker	susan.walker@ohioattorneygeneral.gov
Oklahoma	Mithun Mansinghani	mithun.mansinghani@oag.ok.gov
Oklahoma	Matthew LaFon	matthew.lafon@oag.ok.gov
Oregon	Benjamin Gutman	benjamin.gutman@doj.state.or.us
Pennsylvania	Matthew Haverstick***	mhaverstick@kleinbard.com
Pennsylvania	Joshua Voss	jvoss@kleinbard.com
South Carolina	Emory Smith	esmith@scag.gov
Texas	Patrick Sweeten	patrick.sweeten@oag.texas.gov
Texas	Todd Disher	todd.disher@oag.texas.gov
Utah	Tyler Green	tylergreen@agutah.gov
Virginia	Trevor Cox	tcov@oag.state.va.us
Virginia	Matthew McGuire	mmcguire@oag.state.va.us
Washington	Jay Geck	jayg@atg.wa.gov
Washington	Rosann Fitzpatrick	rosannf@atg.wa.gov
Washington	Noah Purcell	noahp@atg.wa.gov
West Virginia	Thomas Johnson, Jr.	thomas.m.johnsonjr@wvago.gov
Wisconsin	Misha Tseytlin**	tseytlinm@doj.state.wi.us
Wisconsin	Karla Keckhaver	keckhaverkz@doj.state.wi.us
Wyoming	Peter K. Michael	peter.michael@wyo.gov
Wyoming	Karl Anderson	karl.anderson@wyo.gov
Wyoming	Mackenzie Williams	mackenzie.williams@wyo.gov

Delaware	Steven Rosenthal**** Marc Cohen Tiffany Moseley**** J.D. Taliaferro Aaron Goldstein Caroline Cross Jennifer Noel	srosenthal@loeb.com mscohen@loeb.com tmoseley@loeb.com jtaliaferro@loeb.com jmattavi@loeb.com Aaron.Goldstein@state.de.us Caroline.Cross@state.de.us Jennifer.Noel@state.de.us
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- * Lead Counsels for Arkansas et al.
- ** Lead Counsel for Wisconsin
- *** Lead Counsel for Pennsylvania
- **** Lead Counsel for Delaware

EXHIBIT B

SUPREME COURT OF THE UNITED STATES

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v.

Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al., Defendants*

[INSERT TITLE OF DOCUMENT]