

# Supreme Court of the United States

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DELAWARE, *Plaintiff,*

*v.*

Nos. 145 & 146 (Consolidated)

ARKANSAS, *et al., Defendants*

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OCTOBER 3, 2023


## ORDER

PIERRE N. LEVAL, *Special Master:*

1. Delaware requests permission to file a document provisionally under seal, to be followed (after conferring with the parties and MoneyGram) by a redacted version. No party has objected. Permission is granted.
2. Delaware requests a stay of expiration of discovery deadlines pending a discovery conference. Delaware advises that its request is opposed by the Defendant States. Pennsylvania opposes and requests time to reply, explaining that a stay would be unfair to Pennsylvania because it has advised Delaware as to which items of demanded discovery it will provide and which it will object to, but Delaware has not so advised Pennsylvania. The October 5, 2023 deadline to respond to written discovery is hereby stayed. Nonetheless, the parties are directed to advise the parties demanding discovery of them which demands they will answer and to which they object, specifying the reasons.
3. With respect to Pennsylvania's request for more time to reply to Delaware's request to stay other discovery deadlines, Pennsylvania shall file its reply by noon on Thursday, October 5, 2023.
4. Delaware asks that a mediator be appointed. Delaware proposes that the parties provide a list of mediators who would be acceptable to all parties. Pennsylvania opposes, arguing that mediation is premature until a decision is issued on its application for release of escrowed funds, and adds that mediation would cause delay. I believe mediation could be useful. I see no reason why it would cause unreasonable delay, as discovery should proceed regardless of mediation. I welcome the parties' suggestions of mediators who would be agreeable to all parties.
5. Defendant States request that an informal pre-motion remote discovery conference be held. No party has expressed opposition. The parties shall confer

and propose times for such a conference in the period November 6-10 (during which I will be on Pacific Standard Time).

**IT IS SO ORDERED.**



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PIERRE N. LEVAL, *Special Master*  
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