

No. 126, Original



In The  
Supreme Court of the United States



STATE OF KANSAS,

*Plaintiff,*

v.

STATE OF NEBRASKA

*and*

STATE OF COLORADO,

*Defendants.*



BEFORE THE OFFICE OF THE SPECIAL MASTER



**SUPPLEMENTAL AMENDED NOTICE OF DEPOSITION  
OF MR. MARVIN SWANDA AND SUBPOENA DUCES TECUM**

TO: Mr. Marvin Swanda  
c/o John B. Draper  
Montgomery & Andrews, P.A.  
P.O. Box 2307  
Santa Fe, New Mexico 87504

Pursuant to Case Management Plan No. 2 ("CMP") in the above-captioned matter and Fed. R. Civ. P. 45, as incorporated by the CMP, you are hereby ORDERED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action and recorded by a certified court reporter by stenographic and electronic means.



Time: 8:00 a.m. to 5:00 p.m.  
Date: May 22, 2012  
Location: Nebraska Attorney General's Office  
1221 N Street, Suite 601  
Lincoln, Nebraska 68508

The State of Nebraska hereby requests that you bring to this deposition any supplemental materials, information, data, model runs, studies, reports, electronic and other communications, maps, GIS information and data, or any other tangible things used for testimony in this action.

The Case Management Plan for this action is attached hereto as Exhibit A. The provisions of Rule 45(c) and (d) of the Federal Rules of Civil Procedure are attached hereto as Exhibit B, as required by Rule 45(a)(1)(A)(iv) of the Federal Rules of Civil Procedure. This Subpoena is issued pursuant to Fed. R. Civ. P. 45(a)(3)(B) by Justin D. Lavene, Counsel of Record for the State of Nebraska, Nebraska Attorney General's Office, 2115 State Capitol, Lincoln, Nebraska, 68509.

Respectfully submitted this 3rd day of May, 2012.

STATE OF NEBRASKA,

JON C. BRUNING  
Attorney General of Nebraska  
DAVID D. COOKSON  
Deputy Attorney General



---

JUSTIN D. LAVENE  
*Counsel of Record*  
Assistant Attorney General  
Post Office Box 98920  
Lincoln, Nebraska 68509-8920  
(402) 471-2682  
[justin.lavene@nebraska.gov](mailto:justin.lavene@nebraska.gov)

DONALD G. BLANKENAU  
THOMAS R. WILMOTH  
Special Assistant Attorneys General  
BLANKENAU WILMOTH LLP  
206 South 13<sup>th</sup> Street, Suite 1425  
Lincoln, Nebraska 68508-2002  
(402) 475-7080  
[don@aqualawyers.com](mailto:don@aqualawyers.com)  
[tom@aqualawyers.com](mailto:tom@aqualawyers.com)

*Attorneys for State of Nebraska*

No. 126, Original

---

---

In The  
Supreme Court of the United States

◆  
STATE OF KANSAS,

*Plaintiff,*

v.

STATE OF NEBRASKA

*and*

STATE OF COLORADO,

*Defendants.*

◆  
**CERTIFICATE OF SERVICE**

I, Justin D. Lavene, counsel for the State of Nebraska in the above-captioned matter, hereby certify that on May 3, 2012, the original and one copy of SUPPLEMENTAL AMENDED NOTICE OF DEPOSITION OF MR. MARVIN SWANDA AND SUBPOENA DUCES TECUM were e-mailed and/or mailed to the non-party deponent and all parties as indicated in Appendix A of Case Management Plan No. 2 dated October 17, 2011.

I further certify that on the same date, this Certificate of Service was distributed to the parties listed below as specified in Appendix A of the Case Management Plan:

Hon. William J. Kayatta, Jr.  
*Special Master*  
PIERCE ATWOOD LLP  
One Monument Square  
Portland, ME 04101  
[eumland@PierceAtwood.com](mailto:eumland@PierceAtwood.com)

Autumn L. Bernhardt  
*Counsel of Record*  
Assistant Attorney General  
Federal & Interstate Water Unit  
Natural Resources & Environment Section  
1525 Sherman Street, 7<sup>th</sup> Floor  
Denver, CO 80203  
[autumn.bernhardt@state.co.us](mailto:autumn.bernhardt@state.co.us)  
[chad.wallace@state.co.us](mailto:chad.wallace@state.co.us)

John B. Draper  
*Counsel of Record*  
MONTGOMERY & ANDREWS, PA  
P.O. Box 2307  
Santa Fe, NM 87504-2307  
[jdraper@montand.com](mailto:jdraper@montand.com)

Donald B. Verrilli  
U.S. Solicitor General  
*Counsel of Record*  
Department of Justice  
Washington, DC 20530-0001  
[supremectbriefs@usdoj.gov](mailto:supremectbriefs@usdoj.gov)  
[james.dubois@usdoj.gov](mailto:james.dubois@usdoj.gov)

Derek Schmidt  
Attorney General  
State of Kansas  
120 SW 10th Street  
Topeka, KS 66612  
[John.Campbell@ksag.org](mailto:John.Campbell@ksag.org)  
[Jeff.Chanay@ksag.org](mailto:Jeff.Chanay@ksag.org)  
[Chris.Grunewald@ksag.org](mailto:Chris.Grunewald@ksag.org)  
[Burke.Griggs@kda.ks.gov](mailto:Burke.Griggs@kda.ks.gov)

  
Justin D. Lavene  
Counsel of Record