

**CHRONOLOGY of MISSISSIPPI v. TENNESSEE, et al.,  
No. 143, Original (U.S.S.Ct.)**

- June 10, 2014 - the State of Mississippi filed in the United States Supreme Court a motion for leave to file a complaint against the State of Tennessee, the City of Memphis, and Memphis Light, Gas and Water (MLGW), in connection with Memphis' withdrawal of ground water from the Memphis/Sparta Sand Aquifer; Mississippi is not seeking an equitable apportionment of the ground water in the aquifer, rather Mississippi alleges that these withdrawals are taking ground water that is within Mississippi, which the state claims to own in a proprietary capacity; Mississippi seeks an injunction to limit future ground water withdrawals, and \$615 million in damages for the past withdrawals.
- Sept. 5, 2014 - Tennessee filed its response in opposition to Mississippi's motion for leave.\*
- Oct. 20, 2014 - the Supreme Court invited the U.S. Solicitor General to file a brief expressing the views of the United States on the motion.
- May 12, 2015 - the United States, through the Solicitor General, filed an amicus brief supporting Tennessee's position that Mississippi's motion for leave should be denied.
- June 29, 2015 - the Supreme Court granted Mississippi's motion for leave to file its complaint, and directed the defendants to file answers.
- Sept. 14, 2015 - Tennessee filed its answer to the complaint.
- Nov. 10, 2015 - the Supreme Court appointed a Special Master to hear the case, Judge Eugene E. Siler, Jr., who served full-time on the U.S. Sixth Circuit Court of Appeals before assuming senior status in 2001.
- Jan. 26, 2016 - the parties appeared in Nashville before the Special Master for a status conference; the Special Master granted Tennessee's request to file a motion for judgment on the pleadings; all discovery was stayed pending the Special Master's ruling on the motion.
- Feb. 25, 2016 - Tennessee filed its motion for judgment on the pleadings; Tennessee argued: (1) that Mississippi's claims fail as a matter of law because Mississippi has no enforceable property right to the unapportioned ground water in an interstate aquifer, and (2) that Mississippi's claims are barred by issue preclusion.

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\* Although Tennessee and Memphis/MLGW are represented separately in this litigation, their legal positions have been congruent.

- March 3, 2016 - the United States, through the Department of Justice, filed an amicus brief in support of Tennessee's position that Mississippi does not own the unapportioned ground water in an interstate aquifer.
- April 6, 2016 - Mississippi filed its response to Tennessee's motion for judgment on the pleadings, and also filed a motion to exclude what Mississippi referred to as references to facts beyond the complaint in Tennessee's motion, and in the United States' amicus.
- April 26, 2016 - Tennessee filed a reply to Mississippi's response to the motion for judgment on the pleadings, and Tennessee also filed a response to Mississippi's motion to exclude.
- Aug. 12, 2016 - the Special Master issued his decision (copy attached) denying Tennessee's motion for judgment on the pleadings; while the Special Master rejected the issue preclusion argument, he did agree with Tennessee's argument that Mississippi has no enforceable property right to the unapportioned ground water in the aquifer; the Special Master, however, viewed this legal argument as premised on the factual question of whether the aquifer is an interstate water resource; the Special Master asked the parties to meet-and-confer on whether to hold an evidentiary hearing on this factual question.
- Oct. 10, 2017 - the parties agreed that a limited evidentiary hearing would be appropriate to take proof on whether the aquifer is interstate in nature, and submitted a proposed joint case management plan to the Special Master.
- Oct. 26, 2016 - the Special Master entered an order approving the case management plan; the plan sets forth the procedures and parameters of discovery on the limited issue of whether the aquifer is an interstate resource; all discovery is to be completed by July 30, 2017; the plan further provides that at, or following the close of discovery, the parties will meet-and-confer regarding the scope and mechanics of the evidentiary hearing, and submit by August 31, 2017, a joint proposed order that sets forth a plan for the hearing, and any pre- or post-hearing briefing.