

No. 138, Original

**In the
SUPREME COURT OF THE UNITED STATES**

STATE OF SOUTH CAROLINA,

Plaintiff

v.

STATE OF NORTH CAROLINA,

Defendant

OFFICE OF THE SPECIAL MASTER

Conflict Disclosure from The Special Master

May 22, 2008

The Special Master makes the following disclosures:

1. As the parties are aware, the Special Master, Kristin Linsley Myles, is a member of the law firm Munger, Tolles & Olson LLP (“MTO”).

2. MTO represented parties adverse to entities that may be affiliated with Duke Energy Carolinas LLC in past litigation unrelated to this original case. Specifically, MTO represented Southern California Edison (“SCE”) in an unrelated arbitration matter entitled *Southern California Edison Co. v. Duke Energy Trading and Marketing, Inc.*, in which SCE was adverse to Duke Energy Trading and Marketing, Inc. This matter is concluded. MTO represented Shell Oil Company, Shell Oil Products Company, Equilon Enterprises LLP, and Equiva Services LLP, and Texaco Refining & Marketing Inc. (collectively, “Shell”) in an unrelated matter entitled *D.J. Nelson Trust d/b/a Fruitridge Vista Water Company v. Atlantic Richfield Company, et al.*, Sacramento Superior Court, Case No. 02AS06836, in which Shell was adverse to Duke Energy Merchants LLC, Duke Energy Trading and Marketing, LLC. and Duke Energy Merchants California, Inc. This matter also is concluded. Ms. Myles did not work on either of these past matters.

2. MTO has represented and currently is representing Sidley Austin LLP, counsel for Duke Energy Carolinas LLC in this original case, in actual and threatened tax litigation unrelated to this case. MTO also represented Sidley Austin LLP in other unrelated past litigation matters. Ms. Myles has not worked on any of the matters referenced in this paragraph.

3. Ms. Myles has worked on cases in which MTO was co-counsel or co-defense counsel with, or opposing counsel to, Sidley Austin LLP, Akin Gump Straus Hauer & Feld LLP, Hogan & Hartson, and/or Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., counsel for various parties in this original case.

Additional information about any of the above matters is available from the Special Master upon request.

Dated: May 23, 2008

Kristin Linsley Myles / Act
Kristin Linsley Myles
Special Master

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