

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 13-cv-02614-WJM-KMT

EDWIN BARNES,

Plaintiff,

v.

DOCTOR CRUMB, individual and official capacities,
DOCTOR STOB, individual and official capacities, and
HEAD NURSE RODGERS, individual and official capacities,

Defendants.

ORDER

This matter is before the court for Preliminary Scheduling. Having attempted a telephonic Scheduling Conference and encountering difficulty with the court's ability to verbally communicate with the Plaintiff, this court Ordered that the Clerk of the Court attempt to locate civil pro bono counsel willing to assist in Plaintiff's case. The Clerk has advised that to date he has been unable find counsel willing to represent Plaintiff on a pro bono, or unpaid, basis.

Civil litigants enjoy no constitutional right to an attorney, of course. *Johnson v. Johnson*, 466 F.3d 1213, 1217 (10th Cir. 2006) (per curiam). Given the Plaintiff's difficulty with verbal communications, the court found the existence of special circumstances that reasonably warranted seeking volunteer counsel. *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995). However, there is no reason to believe that the Plaintiff cannot successfully guide his case

through discovery and participate in written form. As counsel for the Defendants points out, they must, because Plaintiff is incarcerated, communicate with him by regular postal mail in any event.

Therefore, the court will at this time set the following schedule for discovery in this case, however the court continues to request that the Clerk of the U.S. District Court continue to try to locate counsel willing to assist Mr. Barnes in preparation and presentation of his case.

It is **ORDERED**: JOINDER OF PARTIES OR AMENDMENT OF PLEADINGS DEADLINE is set for October 12, 2014.

It is **ORDERED**: DISCOVERY DEADLINE is set February 27, 2015.

- Depositions may be conducted pursuant to Fed.R.Civ.P. 30. Each side shall be limited to ten (10) depositions, including experts. Each deposition shall be limited to one (1) day of a maximum of seven (7) hours, absent leave of Court. The Court reminds Plaintiff that [1] any costs associated with a deposition, including any court reporter fees, are the responsibility of the party noticing the deposition and that [2] Plaintiff must confer with defense counsel regarding available dates and times for any depositions he may wish to take. Permission must also be obtained from the prison facility.

- Interrogatories may be submitted pursuant to Fed.R.Civ.P. 33.

Each side shall be limited to twenty-five (25) Interrogatories, including subparts.

- Requests for Production of Documents may be submitted pursuant to Fed.R.Civ.P. 34.

Each side shall be limited to twenty-five (25) Requests for Production of Documents.

- Requests for Admissions may be submitted pursuant to Fed.R.Civ.P. 36.

Each side shall be limited to twenty-five (25) Requests for Admissions.

The responding party must serve its answers and/or objections to written discovery within thirty (30) days after being served with the discovery requests.

All interrogatories, requests for production of documents, and requests for admissions must be served no later than thirty-three (33) days prior to close of discovery.

Each side shall be limited to 2 expert witnesses, absent leave of Court.

Parties shall designate affirmative experts on or before December 22, 2014.

Parties shall designate rebuttal experts on or before January 22, 2015.

It is **ORDERED**: DISPOSITIVE MOTIONS DEADLINE is set March 27, 2015.

No STATUS CONFERENCE is set at this time. If the Court determines one is necessary, one will be set by Minute Order.

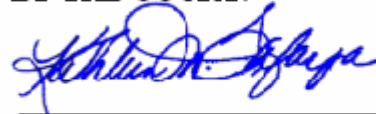
No SETTLEMENT CONFERENCE is set at this time.

No FINAL PRETRIAL CONFERENCE is set at this time.

As Plaintiff is proceeding *pro se* at this stage of the case, he is reminded he is required to comply with all applicable Federal Rules of Civil Procedure (FED.R.CIV.P.) and the Local Rules of Practice in the United States District Court for the District of Colorado (D.C.COLOL.CIVR.).

Dated this 28th day of August, 2014.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge