

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et al.,

Plaintiffs,

vs.

Civ. No. 88-0385 KG/CG

BRENT EARNEST, Secretary of the
New Mexico Human Services Department,

Defendant.


ORDER REGARDING MARCH 1, 2018, HEARING

Pursuant to Fed. R. Civ. P. 53(f)(1), the parties may present evidence at the March 1, 2018, hearing, including testimony. The maximum time limit for testimony for each side will be 60 minutes, including for direct and any redirect examination the party deems necessary. Any time required to decide in-court objections to testimony and exhibits will count toward the objecting party's time limit. Each party will also have a maximum of 60 minutes to argue any objections to the Special Master's report. The Court will monitor these time limits.

In addition, the Court will not apply the Federal Rules of Evidence to the March 2, 2018, hearing, except as necessary to determine reliability. *Cf. United States v. Visa U.S.A., Inc.*, 2007 WL 1741885, at *9 (S.D.N.Y.) (finding court not required to apply Federal Rules of Evidence in its review of special master report). *See also* Fed. R. Evid. 1101(d)(3) (Federal Rules of Evidence do not apply to "miscellaneous proceedings").

Moreover, counsel must meet and confer regarding proposed witnesses and exhibit lists. Witness lists and exhibits lists shall be filed no later than 5:00 p.m. Tuesday, February 27, 2018, along with any objections to the opposing party's proposed witnesses and exhibits.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE